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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

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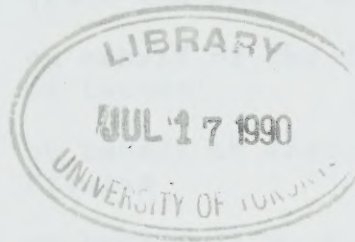
THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON WEDNESDAY, AUGUST 16, 1989

VOLUME 73

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C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
J. DePENCIER	on behalf of the Government of Canada
A. PRATT	on behalf of Charles Francis
J. FREEDMAN	on behalf of W. Wedmann
G. HOUSE	on behalf of Mr. R. Pugh of the CIAU
A. BUCKSTEIN	on behalf of the Ontario Track and Field Association

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MS. CHOWN: Good morning, Mr. Commissioner.
We have with us this morning Mr. George House, who is here
on behalf of the CIAU and Mr. Pugh, our next witness.

THE COMMISSIONER: Mr. House.

5 MS CHOWN: Mr. Pugh is present, Mr.
Commissioner.

ROBERT PUGH: Sworn

--- EXAMINATION BY MS. CHOWN:

10 Q. Mr. Pugh, I understand that you are the
Executive Vice-President of the CIAU and that is the
Canadian Inter-University Athletic Union?

A. That is correct.

Q. How long have you held that position?

15 A. For the past 18 years.

Q. Before that, I understand you had a
brief period of time at Sir George Williams University as
Assistant Dean of Students between 1970 and '71?

A. That's right.

20 Q. And prior to that, you were the Dean of
Athletics at MacDonald College between 1956 and 1970?

A. Correct again.

Q. I wonder if I could ask you to start
off by telling us, first of all in general terms, what is
25 the function of the CIAU?

A. Well, it has many functions and I guess primarily it's the national governing body of university athletics here in Canada, and part of its mandate, of course, is to develop playing regulations which will demonstrate excellence in athletics in an educational context. It's also responsible for developing playing regulations and the different activities in which we are involved in.

Part of the national office function, basically, is to enhance and develop communication between the memberships. We are a 46-member university association. Our other functions are to work closely with our standing committees in developing policy and implementing these policies. We represent --

Q. I'm just going to stop you there. You've been good enough to prepare a sheet setting out some of these functions, and Mr. Commissioner, if I might just pass that sheet up to you --

THE COMMISSIONER: Did you say there are 46 universities that are affiliated?

THE WITNESS: That is correct, Mr. Commissioner.

MS. CHOWN:

Q. Mr. Pugh, do you have a copy of the

sheet?

A. I do have, yes.

MS. CHOWN: Mr. Commissioner, I wonder if we could have this sheet entitled the "Nature of Functions Carried Out by the Staff of the CIAU National Office" marked as an exhibit?

THE COMMISSIONER: No. 240.

--- EXHIBIT NO. 240: DOCUMENT ENTITLED "NATURE OF FUNCTIONS CARRIED OUT BY THE STAFF OF THE CIAU NATIONAL OFFICE".

THE COMMISSIONER: Are your activities related more to inter-collegiate competition, or do you regulate the --

THE WITNESS: Inter-collegiate competition, Mr. Commissioner, yes.

MS. CHOWN:

Q. The second point on Exhibit 240, Mr. Pugh, refers to the encouragement, coordination and development of national championships and international competition?

A. That is correct.

Q. Can you comment on what way the CIAU is

involved in international competition?

A. We are the Canadian franchise holder for the World Student Games, the Federation Internationale Sportif Union, FISU, as it's commonly known, and the CIAU has the responsibility of putting together Canada's representative teams that participate every two years in the Winter and Summer World Student Games.

Q. When are the next World Student Games?

A. In fact, we have just sent a delegation off this past week to Dusseldorf, Germany, to participate in the summer games that are being held in Germany.

Q. And the Winter FISU Games, will they be in the winter of 1990?

A. They are held every two years, and they will be '91, I guess, would be the next games, yes.

Q. You also indicated that one of the functions of the CIAU was to deal with playing rules, if I can put it that way, for the various sports. On Exhibit 240 there is a reference to interpreting and implementing eligibility regulations as well. Could you comment briefly on the eligibility regulations and how you are involved in setting those?

A. Yes, and as you note, the eligibility rules are certainly different than the playing regulations which are specific to each sport, but generally speaking,

the CIAU has established certain regulations which allow student athletes to participate in its programs (a) the number of years in which they may participate, their academic standing, the insititions they represent, whether they are transfer students, and that kind of thing. Basically what these rules are for is to develop (a) an opportunity for athletes to participate and also to develop an element of equal opportunity, I guess, for competition.

THE COMMISSIONER: What is your constituency in any one year of these 46 schools? About how many athletes would you be --

THE WITNESS: Well, I guess we offer at this particular time 14 championships at the national level, and I would have to think that anywhere from 8 to 10,000 athletes at any one time in any one year, Mr. Commissioner.

THE COMMISSIONER: Competing in those --

THE WITNESS: In those different activities, yes.

THE COMMISSIONER: And there would be more than those others who try to qualify and didn't, as well?

THE WITNESS: Yes, sir. There would be many who start out but perhaps are not as successful, but I would have to think that many of the schools on their

final rosters, depending on the nature of the sport, would have -- I guess the largest roster would be football with anywhere from 40 to 50 athletes, and then they would go down from that; but with the number of teams which we have
5 operating and the number of institutions that are involved, as I say, 8 to 10,000 athletes would not be inappropriate.

THE COMMISSIONER: But you don't deal with intramural sports at all?

10 THE WITNESS: No, we do not become involved. There is another organization responsible for the intramural athletes.

MS. CHOWN:

15 Q. To what extent is there an overlap, Mr. Pugh, with athletes who may be university athletes participating inter-collegiately and as well participating on some of Canada's national teams in other sports?

A. I guess there is a reasonable overlap,
20 and again in specific sports, I presume in sports like swimming and track and field and particularly in wrestling -- women's field hockey, there is a heavy overlap. I imagine, I think in the last count, out of 21
national athletes on the women's field hockey team, 19
25 were from university programs. Wrestling, as I say, is

another sport that is highly populated by university athletes, so yes, there is more than a reasonable overlap.

Q. And you've referred to football, field hockey, wrestling, track. What other sports were governed by your organization?

A. Well, basketball as well, volleyball and I guess gymnastics and diving at one time were also involved.

THE COMMISSIONER: You say diving at one time?

THE WITNESS: Yes. We have -- because I guess of the discontinuation of that program and gymnastics in many of our institutions, we are not offering it at a national level any more.

THE COMMISSIONER: What about swimming?

THE WITNESS: Swimming is continued at the CIAU level as well, yes.

MS. CHOWN:

Q. How is the CIAU funded?

A. Well, we are funded primarily I guess by two sources, the funds that are developed by ourselves and we are supplied by funding from Sport Canada. At this particular time, we're anywhere from 55 to 60 percent self-funded with the balance being provided by Sport

Canada.

Q. You've as well been kind enough to provide an organizational chart so that we might see how your various member organizations fit in. I'd like to review that with you, if I might.

THE COMMISSIONER: 241.

THE REGISTRAR: 241, Mr. Commissioner.

--- EXHIBIT NO. 241: ORGANIZATIONAL CHART.

MS. CHOWN:

Q. Mr. Pugh, do you have a copy of that organizational chart?

A. Yes, I do have.

Q. All right. Perhaps we can start at the bottom line of Exhibit 242 which is six boxes all with various acronyms in them. What do those six boxes represent?

A. They are the six regional associations that comprise memberships across the country. Starting in the east, we have the Atlantic University Athletic Association.

Q. That's the AUAA.

A. And coming from east to west, we have the Quebec --

Q. Can I just stop and ask you there how many universities are members of each of the regional conferences?

A. There are 11, I believe, in the AUAA.

5 Q. The next one is the QSSF, which is --

A. That's the Quebec Association for University Athletics, and at this particular time there are seven. In the OUAA and OWIAA, there's a bit of duplication here because these are the Ontario
10 universities. However, they have separate organizations, one for male athletes and one for female. The OUAA is the male component, the OW is the Ontario Women's Inter-Collegiate Athletic Association, and at the present time I understand there are about 17 schools in Ontario in
15 these two associations.

Q. And is there any reason historically why the Ontario conference was divided along male, female lines?

A. I guess just basically historically.
20 The other associations had come together, I guess, with both male and female being represented by the one conference. However, traditionally and as I say historically, the OU, because perhaps also of its size and the nature of their programs, they have been separated for
25 the past many years.

Q. The next box is the GPAC.

A. This is the Great Plains Athletic Conference, and this is made up of four universities.

Q. These are in the western provinces?

5 A. Yes, these are in the provinces of Manitoba and the University of Regina from the province of the Saskatchewan. And then in the Canada West University Association, the CWUAA, there are six institutions.

Q. Those, then, are your constituency?

10 A. That is correct.

Q. And just moving up the chart, the next box that you have is entitled "Coaches Association", and specific sports are listed within that. Are those all coaches who are coaching currently at universities in the various conferences?

15

A. That is correct, yes.

Q. We have above that a standing committee. I take it that is an organizational committee dealing with the nuts and bolts of the everyday operation?

20

A. Well, basically, I guess that just shows standing committees because we have, at this particular time, you could count here seven standing committees with different responsibilities. One committee is basically concerned with finance; one involved with women's athletics; one involved with international

25

competition; a joint administration committee involved with both men's and women's athletics; the eligibility committee which we referred to earlier. We have what we call a "travel equalization committee" which is looking after the costs of travel by universities across Canada and the costs involved by universities that are presently, because of geographical location, having difficulties with finances, and then they have the marketing committee.

Q. Do you make direct payments to athletic teams as far as such matters as travel go in order to assist them in going to competitions?

A. We have been fortunate through the support of Sport Canada to have an annual fund which we have received which is to cover just those problems that you identified a moment ago, that institutions because of the geographical location are compelled to use air travel more often than perhaps others and are compelled to travel greater distances. Of course the costs involved with that are considerable, and through the support of Sport Canada, we have had some modest funds to help these institutions.

Q. Are there any other areas in which financial support is provided by the CIAU to athletics teams?

A. Well, the CIAU itself from its treasury does provide some funding to that program as well. The

monies which we receive from Sport Canada do not at this particular time cover all of those costs nor does the amount that the CIAU adds to that, but the CIAU does make a contribution from its general fund for that purpose.

5 Q. I think I was asking, apart from travel, are there any other areas in which financial assistance is afforded?

10 A. Well, again it's the area of travel, but it's at the time of our National Championships, and teams that travel from their respective geographical locations to the site the National Championships do receive some financial assistance with their travel costs.

15 Q. Now immediately to the right of the box entitled "Standing Committee" is the ad hoc committee on drug testing. We're going to hear a considerable amount about that, so I'm going to simply mention it now and we'll come back to that later.

20 You do have a board of directors in place with representatives from each of the constituent bodies, and finally a general assembly, which we'll be hearing something about later, as the ultimate governing authority?

A. That's correct.

Q. Where is the national office located?

25 A. It's located at 1600 Nesmith Drive in

the City of Ottawa.

Q. Now Mr. Pugh, we have been hearing a great deal over the past few days from football athletes, and I wonder if you could assist in breaking down for us your information as to the numbers of universities across Canada that have football teams and an approximate number of players that you would estimate to be involved in inter-collegiate football at this time?

A. Well, of our 46 member institutions, presently 23 are involved in the football program. Of course they do spread from coast to coast, from Halifax to Vancouver.

Q. Are the greatest number of teams in Ontario?

A. Yes, there is. There are four on the east coast. There are three from the province of Quebec, and I think there are approximately 11 out of Ontario and the balance of 5 clubs playing from the Western Conference.

Q. As far as total number of players, appreciating that the rosters may vary --

A. They fluctuate, but I would have to think anywhere from 1,000 to 1,200 athletes, I would presume, are involved in the football program. Some schools have modest numbers of 35 to 45, where other

schools can be carrying 60 to 70 athletes.

Q. I'd like now, Mr. Pugh, if I could, to turn our attention to the question of banned substances in inter-collegiate sport and in particular in football.

5 What policy, if any, does the CIAU have about the use of banned substances?

A. Well, we have a policy which very explicitly indicates that we are opposed to the use of any performance-enhancing steroids in our programs. Over the
10 past I guess five to six years, we have incorporated in our eligibility regulations a policy which indicates that the use of a banned substance or perform-enhancing substance is not acceptable. We've also broadened that to indicate to coaches and trainers and anybody else on
15 the athletic staff who might be involved in the encouragement of such, it's totally unacceptable. So this has been a policy which has been incorporated and, as I say, imbedded in our bylaws over the past five years.

Q. Taking us back historically to
20 1983-84 when this policy would have been put into place, what was the impetus for it?

A. Well, at that particular time, as you're aware, I guess we were undertaking -- Sport Canada was undertaking drug testing itself, and through the
25 auspices of Sport Canada, the national sport organizations

were beginning to develop these drug testing programs. Our policy was to encourage and to support the sanctions that were being imposed by Sport Canada and by the national sport organizations and that we had incorporated
5 in our bylaws that anybody who had been found to be tested positive would be subjected to the same kind of sanctions as they would be under the sport governing body involved. So basically our action was one of support and that we had indicated to our athletes, so that we were cognizant of
10 what was going on, and that as an association responsible for the development of athletics that we had a role to play to support this policy.

THE COMMISSIONER: But there was no testing?

15 THE WITNESS: There was no testing being done at that time, Mr. Commissioner, no.

MS. CHOWN:

20 Q. What efforts did the CIAU take to bring this policy on drug use to the attention of the individual players who were participating in university sport?

A. Well it has been, as I say, captured in our bylaws and constitutions and our eligibility rules. However, we have a practice which annually goes into
25 effect, and basically the athletes are to be registered

each year, that they are bona fide athletes at the
institution which they are representing. They sign what
we call a registration form. On the back of this form are
listed the intent of our eligibility rules, and of course
5 the policy on drug abuse is one of those. It is the
understanding that when an athlete has signed this
document, that he or she has read the rules on the back of
the registration form, and we also advise them that if
there are further questions they have regarding greater
10 detail of these eligibility rules, that they should check
with the appropriate authority, namely either their coach
or the athletic director of the respective institutions.

15

20

25

Q. Does the athlete retain a copy of this eligibility agreement?

A. He does not retain one personally; however, as I say, they are certainly copies available at the athletic office for his perusal.

Q. So, apart from an athlete taking the time to read the by-laws or perhaps retaining a copy of this, that is not a document that would be left in his possession?

A. We have also advised the institutions to post it in a public place as well, the eligibility rules. Now, again this could be on a notice board or on an athletic board that is conveniently located at an institution.

And again, we are advising that we should try to make it as commonly known what the eligibility rules are throughout the athletes of that institution.

Q. I take it from what you have said that each institution would be provided by the CIAU with a complete copy --

A. That's correct.

Q. -- of the by-laws and regulations which would include this policy?

A. Yes. And these are updated every year because at the time of our annual meetings sometimes these

rules are changed or adapted or adopted or at least they are modified. And annually we update them and circulate this information back to the membership.

THE COMMISSIONER: Would this begin about 1983? Is that when Sports Canada --

THE WITNESS: The -- excuse me.

THE COMMISSIONER: -- Sports Canada has required all sports bodies who receive funds, I think, from them, to institute a drug policy program; that didn't apply to the CIAU?

THE WITNESS: Well, I guess not to the same extent. If I understand it correctly, Sport Canada's policy was basically that the sports governing body would do the actual testing.

THE COMMISSIONER: Yes.

THE WITNESS: And because there are some duplication of athletes, as we identified earlier, it was felt that maybe the CIAU athletes from time to time would be exposed to the drug testing either through the sports governing body's activities, or we have had occasions whereby a sports governing body has come in to our national championship and tested.

But to say per se that we as an association has done any testing, this was not I guess at that particular time looked upon as a direction that we should

be going, not by ourselves only, but also by Sport Canada.

Basically this program will be conducted through the sports governing body involved.

5 MS. CHOWN:

Q. Did you have any information in 1984 as to whether there was extensive or any drug use in the sports that were governed by your organization?

10 A. No, in '84 we had not. I think it was about '84 or '85, though, where the Canadian Track and Field Association did test at the time of our national championships. And at that particular time, there was no positive results.

15 And I guess to go on record, they did test again this past March at the time of our national championships and once again there were no positive tests discovered.

So, on those two modest attempts, we have had no indication of any other steroid use.

20 Q. Now, I indicated earlier that we would return to the --

THE COMMISSIONER: Were you assuming that the tests would disclose in a true way who was using steroids? Was that your assumption?

25 THE WITNESS: This was our assumption, yes,

Mr. Commissioner.

MS. CHOWN:

5 Q. I indicated we would return earlier to
this ad hoc committee that is referred to on Exhibit 241,
which was set up by your organization, I believe, some two
years ago?

A. That is correct.

10 Q. Can you tell us first of all why the
CIAU decided that it would look at the question of drug
testing with a view to instituting --

THE COMMISSIONER: I am sorry, when was
that committee struct, the drug testing program committee?

15 THE WITNESS: It was struct in about 1987,
two years ago.

THE COMMISSIONER: I see.

20 THE WITNESS: Basically I guess, as I said
earlier, we had indicated a supportive position regarding
what was being advocated within Sport Canada and the
national sport organization. However, I guess as we
became more and more aware that the problem may be greater
than first envisioned, and that as a responsible
organization we should become more actively involved in
the actual practice of drug testing and testing our
25 athletes because they may or may not be exposed to drug

testing through the national sport organization.

As you know, our programs are basically I guess at this particular time more national than international. And as a result, it is only through the sports governing bodies, I would assume, that many of the international athletes might be exposed to some kind of testing. Whereas, we felt that there would be need for athletes at another level to also be considered for testing.

So, that would provide, as I say, some kind of direction and leadership with the university sports. The CIAU took upon itself then to pursue the possibilities of introducing a drug testing program.

THE COMMISSIONER: Do you have the mandate to require this -- say football has its own intercollegiate association, has it not?

THE WITNESS: No.

THE COMMISSIONER: These are all under you? Are you the intercollegiate association?

THE WITNESS: Yes. There is a Football Canada, which is responsible for most of amateur football excluding I guess the university program.

And at this particular time --

THE COMMISSIONER: But you are the sports governing body of these various sports we have got listed

here?

THE WITNESS: At the university level, Mr. Commissioner, yes.

THE COMMISSIONER: All right, thank you.

5 THE WITNESS: So, therefore, there is some duplication because Basketball Canada --

THE COMMISSIONER: Also you have the authority and jurisdiction to carry this out?

10 THE WITNESS: At the university level, yes, correct.

THE COMMISSIONER: Thank you.

MS. CHOWN:

15 Q. Who were members of the ad hoc committee on doping?

A. The original membership was Mr. Keith Harris, who was the Director of Athletics at Carleton University, and Mr. Carol Turgeon, who is the Director of Athletics at the University of Ottawa. Ms. Mary Appleton
20 from our national office and myself.

This past year this committee has been broadened to include Mr. Jim Dailey who is the head football coach at University of Ottawa, and a staff member of the national office, Ms. Dohramy Ehling, replacing Ms.
25 Appleton.

Q. As a result of the work of that committee, I understand that a policy with respect to drug use and doping control has now been approved by the CIAU Board of Directors?

5 A. That is correct, at their meeting just held last June.

MS. CHOWN: Mr. Commissioner, we do have copies of that policy. I would like to put a copy before you.

10 THE COMMISSIONER: That was June of '88, was it?

THE WITNESS: That is correct -- '89, Mr. Commissioner, this past June.

THE COMMISSIONER: Just '89. Thank you.

15 MS. CHOWN: It we could have that marked as the next exhibit.

THE REGISTRAR: 242, Commissioner.

--- EXHIBIT NO. 242: Document entitled "Index for CIAU
20 Drug Use & Doping Control Booklet"

MS. CHOWN:

Q. If we just turn to the second page of Exhibit 242 that indicates there that this policy has been
25 endorsed in principle by the CIAU Board of Directors, June

28, 1989.

And there is one further step, I understand, this policy must go through to receive final approval. What is that and when will that step be taken?

5 A. That is the time of the meeting of the general annual assembly which will be meeting in mid-December of '89.

 Q. Do you anticipate that the general assembly will approve this policy?

10 A. Yes, we do. We have had some positive feedback. There has been ongoing discussion and communication and exchange of input into the proposed program.

 And the Board of Directors at its last
15 meeting, as I say, has endorsed it. That means that there has regional representation at the board level which has approved it. And we are optimistic that come June 1, 1990 this will be a fait accompli.

 Q. All right. And as far as the date --
20 THE COMMISSIONER: I see Mr. House gets credit for drafting this material.

 THE WITNESS: Mr. House has been much involved, Mr. Chairman. Perhaps that was an oversight.

 THE COMMISSIONER: Well, I always like
25 protecting the members of my profession.

MR. HOUSE: Thank you, Mr. Commissioner.

THE COMMISSIONER: We seldom get the credit to which we deserve.

THE WITNESS: I see.

5

MS. CHOWN:

Q. Assuming approval by the general assembly, what is the anticipated day of implementation of this policy?

10

A. Well, I would say early in January that we would begin to introduce the random testing program.

Q. That's January of --

A. January 1990, I am sorry.

15

Q. I am going to take you through this policy in some detail, but just so that we can have the framework before us, in general terms I understand that this policy represents the position of the CIAU on the use of banned substances by athletes and others; is that correct?

20

A. That's correct, yes.

Q. And as well sets out a testing protocol --

A. That is correct.

25

Q. -- to be followed. And that testing protocol is initially to be applied to one sport only?

A. That is correct.

Q. And that is football?

A. That is football.

Q. All right.

5 THE COMMISSIONER: I am sorry, I am not following you now. Is this only go to apply to football?

MS. CHOWN: The policy in general will apply to all sports. The testing itself, which will be instituted in January 1990, will only apply to football
10 although it is anticipated that --

THE WITNESS: Further down the line.

MS. CHOWN: -- in succeeding years additional sports will be added --

THE WITNESS: That is correct.

15 MS. CHOWN: -- until at some point all sports will be covered.

THE WITNESS: Correct.

THE COMMISSIONER: Thank you.

20 MS. CHOWN:

Q. Before we come to that, can you tell me, Mr. Pugh, why there was a decision to select football as the sport that would be initially focused on for testing?

25 A. Well, I guess like many other people

there was speculation that football, the nature of the activity, could be, I guess, an area whereby the use of steroids, performance enhancing drugs could be encouraged.

There had been certain rumours and speculation. Also, I guess, issues that had come out through professional football and the issues that had come out through football and other programs. And I guess --

Q. When you say "the issues that had come out through professional football", are you referring to --

A. The use of steroids.

Q. -- anecdotal and news reports about steroid use by professional football players?

A. That's correct, yes.

Q. All right.

A. By professional football athletes.

Q. All right.

A. And I am sorry?

Q. I was going to say did you draw any assumptions from that or any conclusions as to use of steroids and other drugs in collegiate football?

A. I guess it was a general observation that if there is an obvious, at that particular time, problem with the use of steroids in amateur sport, not just in football, but throughout amateur sport, it seemed

to be getting more and more -- there seemed to be
developing a greater awareness that this was a problem.
And we felt that we would be more than naive to think that
this problem perhaps did not also -- we did not also have
5 some of this problem in university sport.

So, we felt then because football at this
particular time is a high profile sport at universities,
and it is one activity that there is very little drug
testing going on at the amateur level, that this would be
10 an area which the CIAU could become involved in, and as I
say, develop some kind of leadership.

Q. All right. If we might then look at
Exhibit 242, and I believe it is the third page in which
is entitled Drug Use and Doping Control in University
15 Sport.

The CIAU Position Statement is set out on
that page, and we have touched on it before, but I would
like to emphasize here your statement of opposition to the
use of performance enhancing drugs is wider than simply
20 saying you oppose the use by athletes?

A. That is correct. And I think I made
mention earlier in my remarks that we also give some
responsibility to the coaches and trainers as well. And
we identify in our policy statement their responsibilities
25 to discourage the use of this practice.

Q. So, you state in the second paragraph of your position statement:

"The CIAU is unequivocally opposed to any encouragement of the use of such substances by individuals in positions of leadership in university sport."

And then particular groups are named: coaches, athletic staff, medical practioners, sport scientists, and administrators as well as the athletes themselves.

You also go on to cover " ... providing of, or administration of banned substances and/or methods to athletes."

A. That is correct.

Q. Now, at the bottom of that page you refer to an educational program that will form part of your policy. I understand that that program in fact has been operational prior to the implementation of the policy?

A. Yes, this was endorsed by the association last year. And we did have our first year of the program being introduced. And we were doing this in a progression method. And last year the universities were responsible for having educational seminars for four sports. Again, it was the football, and field hockey,

track and field, and wrestling.

And the athletes involved at the respective universities where it was mandatory that the universities have these people involved in this educational seminar.

5 THE COMMISSIONER: This was dated last month, isn't it, this document itself?

THE WITNESS: Well, the document itself, Mr. Commissioner, but a portion of it was when the ad hoc committee came forward with a recommendation that the education was a very integral part of the overall program.

10 It was felt that this could be introduced rather quickly. And therefore, as general assembly and the Board of Directors did approve the introduction of the educational aspects, or portion of the program, and the drug testing portion is the part that will be, I guess, endorsed in the annual meeting in December with it becoming a fact in January.

15 THE COMMISSIONER: All right.

THE WITNESS: But we have stressed the educational aspect. And again this year all the universities will have all of their athletes involved in the seminars, not just the --

20 MS. CHOWN:

25 Q. So, the seminars will expand beyond

football, field hockey, track, and wrestling?

A. That's correct, yes.

Q. I note in the policy you have specific deadlines by which the educational programs must take place. In the case of football, you say that drug education seminar must be held during the preseason training period with a deadline date of September 15?

A. That is correct.

Q. What was the purposes of putting specific time deadlines?

A. Well, it was felt that the nature of the sport, the commencement of the program at the university level starts in early September and carries through to the end of November, and that the athletes would be accessible. And also it was felt that it was an ideal time for them to be exposed to these seminars with it just being the commencement of the football season and being, as I say, brought up to date with information and other matters relating to the use of steroids.

THE COMMISSIONER: I see reference here to national sport organizations. You are talking about not intercollegiate but track and field?

THE WITNESS: That is correct. The Track and Field Association or the Basketball Canada Association or the Swimming Association.

THE COMMISSIONER: Right.

THE WITNESS: These are identified as the national sport organizations.

THE COMMISSIONER: Thank you.

5

MS. CHOWN:

Q. Who do you anticipate will be leading these educational sessions?

10

A. Well, we have also worked very closely with Sport Canada on this. Sport Canada have been most cooperative in encouraging us to have some of our staff members at our respective universities attend what they call these "Drug Testing Officers, Certification Seminars". And we understand that these are going to be held across Canada. I believe one has already been held in the Maritimes and one I think has been held in Montreal.

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And it is our understanding that they will be held before the end of September in other parts of the country.

Each institution has been asked to send at least one individual to these seminars to become accredited. And, therefore, these people will be kind of the resource people on campus.

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We have also worked very closely with the

Sports Medicine Council of Canada. And they have provided us with a list of resource people which we have circulated to our membership. So where it is convenient because of location and accessibility of one of these people,
5 presumably they would be called upon as a resource person.

We have also been working, as I say, with Sports Canada. They have provided us with much material and documentation as to brochures and pamphlets and other information. As well as the Sports Medicine Council.

10 This has all been circulated to our membership.

So, we anticipate having at least one and hopefully two certified drug testing officers on each campus. We also envision having the availability of other resources through the Sports Medicine Council to call upon
15 to be some of the resource people for our seminars.

Q. In other words, you are looking at a broader field than simply having the coach in each individual sport carry out the education?

A. Definitely so, yes. We think perhaps
20 someone from a less involved position would be more appropriate.

Q. You have provided me in our meetings prior to today with a lesson plan touching on some of the things you anticipate would be covered.

25 I am simply going to ask you to comment on

some of those.

You recognize and recommend that certain handouts be given during such education sessions. And those would include the CIAU Eligibility Rules and the Code of Ethics?

A. That is correct.

Q. And the Code of Ethics, of course, contains the statement --

A. Contains that statement --

Q. -- against the use of drugs?

A. Yes.

Q. You also anticipate handing out the Sports Medicine Council of Canada pamphlet on Banned, Restricted, and Permissible Uses of Drugs in Amateur Sport?

A. That is correct.

Q. That would, of course, provide each athlete with a list of banned substances?

A. That's correct.

Q. And you anticipate covering the following topics: To cover first of all what the CIAU policy and role of that policy would be along with the university policy and role; to touch on the reasons why drugs are banned, dealing not only with ethical considerations but also health and legal implications.

And I take it that that's one of the topics you anticipate would be covered by one of your outside speakers?

A. Right.

5 Q. You would go into some more detail about the nature of the banned drugs themselves and their effects and anticipate dealing with anabolic steroids as the number one item on your list, but as well as touching on other banned substances.

10 THE COMMISSIONER: What is this document you are reading from?

MS. CHOWN: It is just an outline of a lesson plan.

THE COMMISSIONER: Okay. Thank you.

15 MS. CHOWN:

Q. All right. That topic, dealing with the nature of the drugs itself, I take it would be something that would be dealt with by an outside resource person?

20 A. Yes.

Q. You anticipate as well talking to the athletes about their own responsibilities in this regard to their team members and to the university?

25 A. Yes.

Q. You would plan to show them a video, this is the Sport Medicine Council of Canada video --

A. Correct.

Q. -- called a Matter of Choice. And with
5 respect to the football players, there would be a special
component dealing with the actual testing procedures and
sanctions that may result?

A. This is, correct, yes.

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Q. Now going over to page 2 of Exhibit 242, that deals with the doping control program and indicates at paragraph 2.1 that the CIAU shall implement a no-notice doping control program in football only, commencing January 1990.

THE COMMISSIONER: Well, it's actually 48-hour notice, isn't it?

MS. CHOWN: Yes. I'm going to ask him to clarify that.

THE COMMISSIONER: You must report within 48 hours of notice?

THE WITNESS: That is being recommended, yes.

THE COMMISSIONER: It's random and the athlete is then advised he must provide a sample within 48 hours of the --

THE WITNESS: He must report for testing within 48 hours, yes.

THE COMMISSIONER: Yes.

MS. CHOWN:

Q. And the testing will be for all IOC banned substances?

A. Correct, yes.

Q. How, particularly, is this going to be

drawn to an individual athlete's attention that he or she must submit to this testing?

THE COMMISSIONER: They must sign a form in advance of the agreement.

5 THE WITNESS: Well, there is a consent form which the athlete will be expected to sign which says that he has agreed to be tested, and --

THE COMMISSIONER: As a condition of eligibility?

10 THE WITNESS: That is correct, as a condition of eligibility.

MS. CHOWN:

15 Q. You have a copy of that form attached after the copy of the policy, Exhibit 242?

A. That's correct. It's in the document, yes.

Q. And that form states:

20 "In consideration of being permitted to participate as a registered athlete in the CIAU program, I agree to participate in the CIAU doping control program as is in effect from time to time."

25 A. That's correct.

Q. And I also note that at the bottom of that form you ask the athlete to indicate whether they have yet attended a drug education seminar?

A. Once again, just to make sure that they have had that opportunity.

THE COMMISSIONER: Is Sport Canada going to carry -- you're going to start with football?

THE WITNESS: That is correct, Mr. Commissioner.

THE COMMISSIONER: And as I read this, was there a special procedure for football as distinguished from what's going to happen to the other athletes? I'm reading this quite quickly. Will Sport Canada designate the athlete to be tested?

THE WITNESS: No. The athletes will be selected randomly, I presume.

THE COMMISSIONER: Not randomly, but somebody has got to do the selection, though?

THE WITNESS: Yes. That will be done through our national office. We have all of the athletes on computer, and we will draw, as I say, from that list in a random manner the athletes that will be tested.

MS. CHOWN:

Q. And your office is also the one that

will be the one to be responsible for notifying the athlete that his name has been selected?

5 A. Yes. In order for consistency and in order to get the same message across to all athletes, the national office will be responsible for contacting the athlete. They will also contact the institution at that particular time, but they will also contact the athlete and indicate to him that he is to be tested.

10 THE COMMISSIONER: I was looking at paragraph 2.1.

"The CIAU shall implement a no notice doping control program in FOOTBALL ONLY, commencing January 1990.

15 At the present time, testing in other CIAU sports will be administered through the respective National Sport Organizations and the Sport Medicine Counsel."

20 It's not clear to me. Are you going to do this yourself, the testing, or is that going to be done through the Sport Medicine Council?

THE WITNESS: The testing will be done by the --

THE COMMISSIONER: I understand somebody in your office will go through the --

25 THE WITNESS: No, our office will not go

out and do the actual testing.

THE COMMISSIONER: No, but you will do the random selection?

5 THE WITNESS: We will do the random selection; we will do the notification to the athlete; and the testing will be done at the site of that respective institution with a certified drug testing officer present to follow through the proper procedures.

10 THE COMMISSIONER: And will that obviously be provided by the Sport Medicine Council, or are you going to do this yourself?

THE WITNESS: The officer, the drug testing officer?

THE COMMISSIONER: Right.

15 THE WITNESS: The drug testing officer will be the one who has attended these seminars and has now been certified as a certified drug testing officer.

THE COMMISSIONER: By you?

20 THE WITNESS: The Sport Medicine Council has certified these people.

THE COMMISSIONER: I see. All right.

25 THE WITNESS: These people will be located on each campus. They will be involved -- whether they will do the actual drug testing or whether someone else will be selected because again of neutrality, that will be

another matter I guess to be addressed; but basically the drug testing certification is through the auspices of the Sport Medicine Council, but they will be CIAU people, if that's the right term.

5 THE COMMISSIONER: Well look at 2.7.
Fitness & Amateur Sport has agreed to cover doping control officers certification workshops?

THE WITNESS: That's correct.

10 THE COMMISSIONER: Doping control officers travel and honoraria?

THE WITNESS: Right.

THE COMMISSIONER: Resource library materials; lab analysis costs?

THE WITNESS: Right.

15 THE COMMISSIONER: And what lab will be used? Has that been decided yet?

THE WITNESS: Well, it would be one that is recognized by Sport Canada. The accredited lab I guess at this particular time, the one in Montreal.

20 THE COMMISSIONER: All right. Thank you.

MS. CHOWN:

25 Q. Has there been any designation to date or any suggestion as to the number of tests that you expect to carry out in football?

A. We don't have a specific number. I imagine that would fluctuate, but again it would be done, as I say, over the 12-month period, and we would be selecting anywhere from six to ten people perhaps on a regular basis monthly. Those kinds of figures, I would have to say between 100 to 150 athletes, would be tested.

Q. Just to emphasize one point you made, it is clear from your policy that a football player may be summoned for testing at any time during the year, not simply during the football season itself or the training camp?

A. That is correct, yes.

Q. Now if I could ask you to -- I guess just one other point on the testing: Where will the athlete go to provide the sample?

A. Well, this will be the responsibility of the institution to provide the appropriate location for that to be held. That could be, if they are using a medical doctor, it could be at his or her office or it could be a facility on campus, an appropriate facility on campus with again the presence of --

THE COMMISSIONER: Well, that's covered under 2.7B, isn't it?

THE WITNESS: I believe so.

THE COMMISSIONER: CIAU institutions will

be responsible for provision of facilities for doping control stations. That was the question, I think.

MS. CHOWN:

5 Q. Yes, if required, but my understanding is that you may look to university clinics or alternatively a local hospital as a site for the athlete to report to?

A. Correct.

10 Q. At page 4 of Exhibit 242, at paragraph 2.8, that deals with the penalties that may be invoked on a positive finding as a result of an analysis of a sample of a football player. I would like you to review with us those penalties, first of all your following the path that
15 there must be an A and B sample and the B sample must be confirmed in order for there to be a positive finding. Can you tell me, summarize what the penalties will be for a first offence?

20 A. Well, basically the individual will be suspended from all CIAU competition for one calendar year from the date of the B test results on first offence. There will also then be an opportunity, and the institution is encouraged to do this, of counselling the athlete with the opportunity of rehabilitating him, and
25 there will be an opportunity a year later for a second

test. The emphasis is being put on the athlete to provide the finances to cover this test. It's basically not a measure of austerity as far as the CIAU is concerned, but it's to put the emphasis back on the athlete as to the importance of him taking some initiative to see that, first of all, he's not going to be positive and also to indicate that he has to expend some kind of effort, energies and finances to become reinstated. If on a second offence the athlete is found to be positive again, he would then be banned for life from all CIAU competition.

Q. Returning to the point you mentioned about counselling, paragraph 2.8.1 refers to the fact that counselling may be required by the CIAU. Who do you anticipate would do this counselling?

A. Well, again we would hope that these resource people that we had identified earlier would be involved in this kind of activity. We don't think that this would fall solely upon the coaches' responsibility. He of course could be involved to some extent as a support person, but we would anticipate that the people who have a greater, in-depth awareness and familiarity with the drug enhancing steroids would be involved with this and also, I guess not only from a testing point of view, but there could be other people available, university personnel that

could perhaps add some kind of educators involved at the institutions, doctors, et cetera, who might be involved at the institutions, psychologists, et cetera. So there are other resources available at the institutional level that could be brought into play at this particular time.

Q. Paragraph 2.8.4 deals with a problem that I imagine you anticipate might occur; that is, a student might say when he is notified about testing, "Fine, I'm going to retire. I'm not going to play football any more. Therefore, I don't have to do the test." Would you explain what is to happen if that is the position taken by the student?

A. Well if he takes that position, then we would indicate to him that he is now retired, that he's retired for at least a minimum of one year, and he would be asked to provide in writing his intentions to retire because he will not be tested because he's indicated he's finished with university football. So upon returning then to university football, if he changes his mind after one year, he is automatically, upon notification of retirement, he's out for that year. If he decides to come back after that, before he would be allowed back in, he would be subjected to being tested again.

Q. You indicated earlier on that of course the CIAU controls the eligibility rules for the various

sports, including football. What is current eligibility for collegiate football? How many years?

5 A. They're allowed to play five, providing they play their fifth year at the school in which they played their fourth.

Q. So in your view, it would serve, would it, as a reasonably serious deterrent if the student wished to avoid drug testing and would therefore have to lose one of those five years?

10 A. One of those five years. It would be a significant penalty on his part, particularly if he was in his senior year.

15 Q. I should mention in passing, as well, paragraph 2.8.3. If a student is notified that he has been selected for doping control and refuses to undergo it, that will be read as a positive test?

A. A positive test.

20 Q. Now the only circumstances in which a student will not be required to go through a test are if there is some medical reason for the student being on the substance, and in that case, what provisions have you made for the student to make the CIAU aware of his special circumstances?

25 A. Well, he may contact a selection reviewer and indicate at that particular time what the

problems may be, and I guess this comes forward in 2.8.5:

Q. Yes.

A. "INJURED/DISABLED STUDENT-ATHLETES WHO
ARE REQUIRED, UNDER MEDICAL SUPERVISION, TO
USE IOC BANNED SUBSTANCES:

In a case where an injured/disabled
student-athlete may be required, under
medical supervision, to use IOC banned
substances for on-going or intermittent
therapeutic or rehabilitative purposes, he
may contact the 'Selection Reviewer' (Annex
D - CIAU Out-of-competition Doping Control
Protocol, B.3) to seek special dispensation
not to comply with the doping control
notice. The injured/disabled
student-athlete must seek and receive
dispensation before the end of the
forty-eight (48) hour period. In
addition, the student-athlete's physician
must submit, in writing, a complete list of
the IOC banned substances being prescribed
for therapeutic or rehabilitative purposes.
This documentation is to be in the CIAU
National Office within five (05) days of the
appeal."

Q. I note as well on page 5 there is a special comment with respect to the effect on a team's wins if a player on that team is found to have a positive test?

5 A. At this particular time, this is the position the CIAU has taken. Of course there is some discussion on this as to whether that should be more severe, but the CIAU at this particular time feels that this should be the appropriate measure.

10 Q. I don't think we've said what it is. The measure is that the CIAU will not penalize the institution?

15 A. Will not penalize the institution in terms of performance. However, the CIAU may initiate, at its discretion, an investigation in accordance with CIAU regulations.

20 Q. Now the rest of the policy deals with other procedural matters of notification, appeal routes and so on. I take it that you've been assisted in setting up a program there by procedures that have been put into place but other sporting organizations?

A. That is correct, yes.

25 Q. Now you've indicated to us that you expect approval of this policy by your general assembly in December of this year and that testing will start in

January. Have university football players this year, prior to commencing the 1989 football season, been asked to sign the doping control agreement that we referred to earlier and that is attached to this policy?

5 A. The doping control or the consent form?

 Q. The student-athlete doping control agreement?

 A. I'm sorry, which page is that on again?

 Q. That is the agreement --

10 THE COMMISSIONER: Well, have you initiated the program yet even though it has not been finalized?

 THE WITNESS: That is correct, yes.

 THE COMMISSIONER: So that the athletes who are about to start their training now for the fall
15 football season would they be asked to sign this document?

 THE WITNESS: They are being asked to sign this document now.

 THE COMMISSIONER: I see. That's the question, Ms. Chown.

20 MS. CHOWN: Those are the questions that I have for Mr. Pugh.

 THE COMMISSIONER: Any questions?

 MR. HOUSE: I have nothing, Mr. Commissioner.

25 THE COMMISSIONER: Mr. Bourque?

MR. BOURQUE: No, sir.

THE COMMISSIONER: Mr. DePencier?

--- EXAMINATION BY MR. DePENCIER:

5 Q. Mr. Pugh, my name is Joseph DePencier,
and I'm here representing the federal government and Sport
Canada. I'd like your assistance on one aspect of your
policy. You've indicated to us that the policy and the
selection for testing will apply year-round?

10 A. That's correct.

Q. Now, your athletes presumably are on
campus or available generally from the period September
through May; is that correct?

A. That's correct.

15 Q. I notice that your policy makes some
provision or special mention of the period from May
through to September when your athletes may not be as
readily available?

A. Correct.

20 Q. I wonder if you could describe to us
what consideration you've given about the special
circumstances during the summer when athletes could be
dispersed all over the country, indeed out of the country,
summer jobs, holidays, whatever, and how you contact them
25 and get them --

A. Well, we recognize this as perhaps one of the difficulties. However, if one has been selected at that particular time and he is not available for whatever reasons that you have identified, we would perhaps go to another selection, but we would have this individual looked upon as being tested upon return or whenever he's available.

Q. So I take it, then, if you are unable to contact an athlete because he is out of the country or a summer job in some remote location, you would, in effect, put their name on --

A. On a hold in order to be considered upon earliest time of contact.

Q. Will you be requiring athletes to provide summer addresses or a means of contacting them?

A. We think this would have to be a possibility, for obvious reasons, so that we can have access to them; but, again, we may have the address, but if it happens to be somewhere in great distance of getting back to Canada to fulfill the commitment, it may be difficult. But we would try to keep tabs of the athletes over the 12-month period for those obvious reasons.

Q. Have you had any indication from your student-athletes themselves about their agreement to such a procedure or their views on the subject?

A. We haven't, per se. I assume, though; that the institutions have been carrying on some kind of dialogue with their athletes. We seem to be getting some positive responses from our member associations. Our
5 coaches have indicated strong support for the concept of drug testing, so we are comfortable with the idea that the athletes are in concurrence with it.

MR. DePENCIER: Thank you, sir.

THE COMMISSIONER: Any re-examination?

10 MS. CHOWN: No, sir.

THE COMMISSIONER: Thank you very much for your assistance, Mr. Pugh. Obviously you have given very careful considerations, and this is a very carefully drafted document.

15 THE WITNESS: That you very much.

THE COMMISSIONER: I will take a very good look at it.

Thank you, Mr. House.

MR. HOUSE: Thank you, Mr. Commissioner.

20 MS. CHOWN: Mr. Commissioner, our next witness is Mr. Rolf Lund. He's just outside the hearing room with his counsel.

THE COMMISSIONER: All right.

25 MS. CHOWN: Mr. Commissioner, may I introduce Mr. Andy Buckstein, who is counsel for the

Ontario Track and Field Association.

THE COMMISSIONER: Welcome aboard.

MR. BUCKSTEIN: Thank you.

MS. CHOWN: Mr. Lund is present and ready
5 to be sworn.

ROLF LUND: Sworn

--- EXAMINATION BY MS. CHOWN:

Q. Mr. Lund, I'd like to start off with
10 you by reviewing some of your background. I understand
that you have been involved with the OTFA since its
inception in 1973, and in fact you have been President of
that organization from 1983 up to and including the
present?

15 A. That's correct.

Q. You are, as well, an Associate
Professor at Queen's University in Kingston, and you've
been kind enough to provide to me a copy of your
curriculum vitae.

20 MS. CHOWN: Mr. Commissioner, if I can give
you a copy of that and ask that it be marked as the next
exhibit.

THE REGISTRAR: 243, Mr. Commissioner.

25 --- EXHIBIT NO. 243: CURRICULUM VITAE FOR ROLF LUND.

MS. CHOWN:

Q. In fact at the present time, as well as being an Associate Professor at Queen's, you are a Chairman in Athletics and Recreation at that university?

5 A. Yes, I am.

Q. You obtained your Bachelor's degree from the University of Alberta in Physical Education in 1959?

A. Yes.

10 Q. And you also have a graduate degree, an M.A. from that same institution in 1970, and your field of study was Physical Education as well?

A. Yes.

15 Q. Following university, you worked first of all for the Department of National Defence in various capacities between 1959 and 1963, including being a Senior Instructor at the Army School of Physical Training and the Director of Physical Education at the Royal Military College in Kingston?

20 A. Yes, that's true.

Q. You joined Queen's University in 1963 as a lecturer and have continued there for these years assuming the position you have now?

A. That's right.

25 Q. You've also been involved, of course,

with amateur sport in a number of different ways over the years, and on page 2 of your resume I'd like to simply touch on a view of those. I understand that in 1973 you were the head coach for the Canadian team which was sent to FISU, the World Student Games that were held in Moscow that year?

A. That's correct.

Q. You have also been involved as a consultant with the Ontario Winter Games in Kingston in 1978-79. You were a member of the Executive of the Eastern Region Ontario Track and Field Association and President and Vice-President of that Association in 1977-78?

A. Yes.

Q. You were, as I mentioned earlier, on the Executive of the Ontario Track and Field Association serving as Vice-President and a member of its Board of Directors from 1978 to '82?

A. That's correct.

Q. You have been an Executive Chairman of the Ontario Track and Field Association, Coaching Association Board of Directors between 1978 and '80 and on its Technical Committee between '80 and '83?

A. Yes.

Q. You are also a provincial coach with

the Ontario Track and Field Association at Level 2 in all disciplines?

A. Yes.

Q. You are a member of the Canadian Track and Field Association's National Coaching Certification Committee, and you're as well a coach at Level 4. You are a National Event Coach for the Sprints and the Hurdles?

A. Yes.

THE COMMISSIONER: Well it says Canadian National Coach - Sprints and Hurdles, '77 to '83?

THE WITNESS: Yes. I have not been active in that area in the last three years.

THE COMMISSIONER: But you were part of the national team, were you?

THE WITNESS: Yes.

THE COMMISSIONER: For sprints and hurdles up until '83; is that right?

THE WITNESS: Yes. During that period, you were on the national team, the coaches' registered list.

MS. CHOWN:

Q. You also were a coach to the Canadian Track and Field team at the World Student Games which were held in Mexico in 1979?

A. Yes.

Q. You were the Chef de Mission at a number of track events, first of all, the America's team, the World Cup of Track And field held in Canberra, Australia, in 1985?

5 A. Yes.

Q. The Chef de Mission of the Canadian Track and Field team at the first World Indoor Championships in Indianapolis, 1986; the Chef de Mission of the Canadian Track and Field team at the World Junior Championships in Sudbury, Ontario, last year, 1988?

10

A. That's correct.

Q. You are also the Ontario representative on the Board of Directors of the Canadian Track and Field Association; you have been so since 1984?

15

A. Yes.

Q. You are the Canadian representative on the Pan-American Athletic Commission and assumed that position in 1987 and still hold it today?

A. Yes.

20

Q. You have as well been a speaker at a number of conferences dealing with various aspects of athletics and sport and sport history?

A. That's true.

Q. You have also conducted, yourself, numerous training courses for instructors as well as

25

preparing written material and manuals for sport
instructors.

The last page of your resume, you indicate
that as well you've been actively involved in your own
5 university, being Queen's University, in a coaching
capacity as well as various university committees?

A. Yes, since 1963 and it ended last year.

Q. Now, Mr. Lund, we of course have asked
you to come here today to provide us with the benefit of
10 your knowledge and expertise as a result of your long
involvement with the Ontario Track and Field Association.
I'd like to start off, if we could, with some
understanding of the structure of that organization. I
would ask you, if you could, to give us an overview,
15 starting off by describing the member organizations of the
Ontario Track and Field Association.

A. Well, the Ontario Track and Field
Association is made up of approximately 200 clubs -- 100
clubs, rather, and these clubs are athletic clubs with
20 their main objective being competing, or their athletes
would compete in athletics, that is, track and field.

In addition, there are affiliated groups
with the Ontario Track and Field Association, one being a
group of officials. These are people who officiate at
25 track meets.

Q. Can I just stop you there before we move on to the officials. Of the roughly 100 clubs across Ontario, how many of those would be centered in the metropolitan Toronto area?

5 A. Probably -- I would guess probably about 15 to 20, depending on what you consider to be metropolitan Toronto.

Q. You've said that the first component are track and field clubs themselves. The second
10 component relates to groups of officials?

A. Yes. We have affiliated groups. Perhaps I should preface that by identifying groups such as the Ontario Recreation Roadrunners, and these are individuals who run and are interested in off-track
15 road racing. Their membership numbers approximately 1,200 registered members, and an estimate has been made that the number of participants in that particular activity numbers about 25,000.

THE COMMISSIONER: That's the off-track?

20 THE WITNESS: Yes, the off-track roadracers.

THE COMMISSIONER: Do they have their own organization?

25 THE WITNESS: Yes, they do. They have a representative who sits on our Board of Directors.

THE COMMISSIONER: I see, but they are now affiliated with you?

THE WITNESS: They are affiliated with us as a member at the present time.

5 THE COMMISSIONER: How many participate, did you say?

THE WITNESS: Pardon?

THE COMMISSIONER: How many participate?

10 THE WITNESS: It's estimated that there are about 25,000 that participate, although there are approximately 1,200 registered members who are paid members in that organization.

15 In addition, we have an affiliation with the Ontario Masters group which are athletes or participants who are 35 and 45 years old or older, and their membership numbers approximately 600. There is another group --

MS. CHOWN:

20 Q. And they have their own series of competitions?

A. That's right, and their route to international competition is still through the OTFA and the CTFA, so they must be an affiliated body recognized by us.

25 In addition, there is a group called the

Monarch Track and Field Association which is perhaps even more loosely organized and tied to us. We provide some services in meets for them. Our officials work at their meets. Our coaches participate in their programs, but they in a sense govern their own affairs. They number approximately 500.

Q. What is the age cutoff for minor --

THE COMMISSIONER: Excuse me. These are in addition to the 100 clubs that are your basic organization; is that right?

THE WITNESS: Yes, and their range there would be under 13. So in fact the bulk of the Ontario membership is based on athletes that are 13 or over.

MS. CHOWN:

Q. Do you have any involvement with any coaching associations?

A. Yes. As part of our 1,200 members --

THE COMMISSIONER: Well, before you leave that, how many athletes somehow would be affiliated or assisted by your organization, say one year?

THE WITNESS: Directly, probably would be approximately the 1,200 that I mentioned. That would be athletic membership.

THE COMMISSIONER: Of the 100 clubs?

THE WITNESS: Yes.

THE COMMISSIONER: I see. Plus the affiliation groups as well? I'm just trying to get what your constituency is.

5 THE WITNESS: I'm sorry. We have approximately 2,200 athletic members who join our association as athletes, coaches or officials.

THE COMMISSIONER: Yes.

10 THE WITNESS: Of that 2,200, there are approximately 200 coaches and approximately 170 officials.

MS. CHOWN:

Q. And the balance of the 2,200 would be registered --

15 THE COMMISSIONER: But you lay down rules, and I thought that actually it was wider than affecting just the 2,200 members. Am I wrong on that? The 100 clubs you mentioned, their total membership would be about 1,200; is that what you said?

20 THE WITNESS: No, there would be 2,200.

THE COMMISSIONER: 2,200?

THE WITNESS: Our full membership of athletes, coaches and officials would be approximately 2,200.

25 THE COMMISSIONER: All right, thank you. I

have it now, thanks.

THE WITNESS: You must also realize that there are some clubs that are large; there are many clubs that are very small.

5 THE COMMISSIONER: I understand.

THE WITNESS: Some clubs may have five or six members, but then there are other clubs that might have 100 or plus.

10

15

20

25

Q. Coming back to the coaches, what is their connection, if any, with the OTFA?

A. Well, to be -- to coach within the organization you must be a member. You must register as a coach. And as I said, they number approximately 200.

And one of our responsibilities as an Association, of course, is to govern the affairs of first of all clubs; secondly athletes, coaches, and officials. So, our mandate as an Association is to oversee, govern the activities of those individuals and groups.

Q. All right. Could you describe for us, please, the makeup of the Board of Directors of the Ontario Track and Field Association. First of all, what is the total number of members?

A. The Ontario Track and Field Association or the Board?

Q. Board?

A. There are 13 Board members. Back in 1973, the government, through their initiatives, a restructuring of track and field took place in Ontario. And in that stage, there were six regions established. And of these six regions, they then organized themselves and elected a president. The president of those six regions then became an automatic member to the Board of Directors.

There are four Boards of Directors elected and from that four are elected the Vice President, the President, and two Directors at large.

In addition to that, there are three appointed board members, one gentleman who administers the Ontario Athlete Assistance Program. That's the government funding program that provides funding assistance to athletes who qualify.

THE COMMISSIONER: When you speak of government, are you speaking of the Federal government or --

THE WITNESS: This is the provincial government, the Ontario Athlete Assistance Program, and our sort of gold and silver cards issued to them.

THE COMMISSIONER: Yes.

THE WITNESS: Much like the carding system that the Federal Government operates. This one deals with provincial level athletes.

THE COMMISSIONER: All right.

THE WITNESS: That person is a member of the Board of Directors. The Chairman of the Ontario Officials Council is a member of the Board of Directors. And the President or Chairman of the Ontario Recreational Road Runners is also a sitting member on the Board of Directors.

That should make a total of 13.

MS. CHOWN:

5 Q. I understand that some staff members of
the Ontario Track and Field Association sit as ex-officio
members on the Board?

A. Yes. We have our two senior staff
personnel, the Executive Director sits on the Board as an
ex-officio member --

10 Q. That's Cecil Smith --

A. -- and a Technical Coordinator also
sits on the Board as an ex-officio member.

Q. The Executive Director being Cecil
Smith.

15 A. Cecil Smith is the Executive Director
and the Technical Coordinator is Roman Olszewski.

Q. All right. Now, Mr. Smith and Mr.
Olszewski are paid staff members, and they work out of the
head office of the OTFA, which is located on Sheppard
20 Avenue in the city of Toronto.

What other staff positions are there in the
organization?

A. In addition to those two, we have a
Road and Recreational Coordinator. That is a person named
25 John Craig who looks after and deals with the recreational

road racing group. And he becomes a liaison person for that.

In addition, we have a full time secretary, Ms. Hazell North. We have a part time bookkeeper, part
5 time magazine editor, and a part time person dealing with magazine advertising. The magazine that is the publication put out by the Association is Athletics.

Q. All right. We will be hearing more about that likely through Mr. Smith who has a great deal
10 of involvement in the content and publication of that magazine.

A. Yes, he understands it, he is the editor.

Q. All right. You have touched very
15 briefly on sort of the organizational structure of the OTFA and what your goals are. I would like, if I could, to put before you a statement of the OTFA Goals and Objectives as those relate to the athletes, coaches, and club development.

20 This is a statement prepared by the organization in October of 1984.

THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 244: Document entitled "Statement of the
OTFA Goals and Objectives",
prepared in October, 1984

5

MS. CHOWN:

Q. Was that a document that was prepared
at that date in October of 1984 to serve as an expression
of the goals of the OTFA in these particular areas?

10

A. This statement sort of evolved from a
planning conference in which clubs, which was convened
again through the support of the Ministry of Tourism and
Recreation in order to determine sort of your position in
developing a five year plan. And, in fact, was attended
by a pretty broad cross-section of track and field
interests in the province.

15

20

What came out of it was this document or
this statement, rather, plus a document outlining sort of
our future directions. And essentially it states the
Statement of Philosophy is encompassed in the first
paragraph and basically suggests that the Ontario Track
and Field Association is committed to the development of
track and field athletics in all the regions of the
province, and to the development of athletes to their --
that they could develop to their maximum potential with
the hope that they could achieve membership to the

25

national team.

So, that we refer there to the national team being that team identified by the CTFA.

So, we see our role as being fundamental to bringing athletes to that level so that they can make that national team.

Q. You have indicated that generally you deal with athletes beginning at about age 13 with the exception of your loose association with minor track and field, and depending on the various sports they are involved in, you would be assisting them, supporting them through their developmental stage. And if they had the talent, they might then go on to be a member of the national team and then funding and carding, et cetera, would be taken out of your hands?

A. That would be the ideal situation, but it isn't quite so. So, we continue to fund them, but our prime function is to bring them to that stage. So at that stage we hope the Federal agency would then or our parent body, the CTFA, would be the prime supporters of them and we would continue to perhaps support funding in some instances. But our prime objective would be to bring them to that stage.

Q. The second point --

A. The second point I should emphasize is

that the second paragraph relates to our strong feeling
about clubs and the relationship. And the third paragraph
deals with clubs and centres. And so the club is the
framework upon which the Ontario Track and Field
5 Association basis its existence upon.

Q. You also place some importance in the
Statement of Philosophy on the role of volunteers at the
OTFA level, and, in particular, their involvement in
clubs?

10 A. Very much so in the sense that our
staff and our professional people have not grown to the
degree that it perhaps has in other areas. And therefore,
our success is dependent or our future is dependent upon
on maintaining a broad volunteer base.

15 Q. Is it your experience in the clubs that
are members of the OTFA that they are largely run by
volunteer staff?

20 A. Yes, in most instances. There are some
clubs that do pay coaches, but the payment is usually in
the form of an honorarium. There are one or two clubs
that do have club administrators that receive a stipend.
And there are some clubs that have administrators funded
by the CTFA. But by and large, the basis of the
provincial structure is based on the volunteer club
25 system.

Q. In the Philosophy Statement here you have a sentence in the middle of the second paragraph which I might read:

"It therefore behooves the Association to ensure that all centres operate in total harmony with the existing club structure."

Are you referring to the centres that have been set up across the country, and, in particular, in this province to focus on the development of particular sports?

A. Yes. At about this time there was sort of the center concept began to develop at the CTFA level. And the OTFA was very concerned about the impact that the centres would have on provincial programs.

And if you realize that a center is simply not just a facility, it is a centre that involves the additional resources of personnel, that is coaches and administrators; it also involves the influx of resource money for programs. And so these kinds of initiatives suddenly place clubs -- some clubs at a disadvantage.

And if you can appreciate the fact that two of the largest centres in Canada, one being the sprint center at York, and the high performance center or the multiple event center at the University of Toronto, that

impact certainly affected -- there is going to go a major impact in track and field in Ontario.

So, we were concerned that in the setting up of the centres that they blend in and complement the club structure rather than disrupt or upset the club structure.

Q. Now, you have as well been kind enough to bring today the OTFA Programs, Policies, and Procedural Manual.

Mr. Commissioner, we are simply going to file this rather than going through it in any detail.

THE COMMISSIONER: All right. Thank you.

MS. CHOWN:

Q. I am just going to draw your attention to two pages in the document.

THE COMMISSIONER: Mr. Registrar.

THE REGISTRAR: The previous one was 244. That will be 245.

THE COMMISSIONER: 245, thank you.

--- EXHIBIT NO. 245: OTFA Programs, Policies, and
and Procedural Manual

MS. CHOWN:

Q. Exhibit 245 has on its cover, Mr. Lund,

the date January '85. Does that represent the last amendments that were made?

A. Yes, it was the last update or amendment to this. And of course, the document such as this changes year by year, but is the latest and most recent update that we have provided for.

MS. CHOWN: Mr. Commissioner, if I could just ask you to note particularly page three of Exhibit 245 does have a more detailed list of the aims and the objectives of the OTFA.

THE COMMISSIONER: Thank you.

MS. CHOWN: And page 58 of that document and page 59 is a more detailed structural chart of the organization of the Ontario Track and Field Association in its relationship with the CTFA. On page 59 you will note a breakdown and a depiction of the six --

THE COMMISSIONER: Are you funded by the Department of Tourism --

THE WITNESS: Yes.

THE COMMISSIONER: -- and Recreation of Ontario?

THE WITNESS: We receive money for -- a base grant plus program grants for various programs that we run.

THE COMMISSIONER: Right.

THE WITNESS: I would estimate roughly that our grant base compared is of a percentage would probably range year to year from 50 to 60 percent of our operating budget.

5 THE COMMISSIONER: Do you raise the other money privately?

THE WITNESS: The other money is raised essentially by the Association itself --

THE COMMISSIONER: Right.

10 THE WITNESS: -- through either membership fees or fundraising projects.

THE COMMISSIONER: That 50 to 60 percent of the funding includes also the gold and silver cards --

THE WITNESS: Yes, yes.

15 THE COMMISSIONER: -- or is that additional? All right. And that is spread out amongst how many?

THE WITNESS: I think there are about 38 athletes.

20 THE COMMISSIONER: Who in turn do you support, then? You get the money from --

THE WITNESS: I am sorry?

THE COMMISSIONER: You get the money from Tourism?

25 THE WITNESS: Yes, we get the money from

Tourism and we administer that money on behalf of them following their guidelines.

THE COMMISSIONER: Right.

THE WITNESS: And also of course the
5 guidelines, we have some input on the type of -- the structure of the criteria upon which the funding is based.

THE COMMISSIONER: Do you give some of that money to some of the clubs who might need it for a particular purpose?

10 THE WITNESS: No, the money goes directly to the athletes so that our Athlete Assistance Coordinator deals directly with the athletes and the criteria --

THE COMMISSIONER: What about the coaching staff those that are paid?

15 THE WITNESS: The athlete must identify a coach. The coach must provide training reports. They are not very onerous. And the coach does not receive funding or support for that service.

THE COMMISSIONER: Not from the OTFA?

20 THE WITNESS: No.

THE COMMISSIONER: Do certain clubs have their own coaches?

THE WITNESS: Yes.

THE COMMISSIONER: And they are free to
25 make whatever arrangements they want with their own

coaches, are they?

THE WITNESS: Yes, they are. As I said the coach also -- the athlete must identify a coach.

THE COMMISSIONER: Right.

5 THE WITNESS: And that's the contact person to verify that training has taken place.

THE COMMISSIONER: Does the coach have to be approved by the OTFA?

10 THE WITNESS: Yes. In -- yes, he does, yes.

THE COMMISSIONER: All right. Thank you.

MS. CHOWN:

15 Q. Are there particular competitions that the OTFA is responsible for running?

20 A. Our prime function in terms of competitions is to stage provincial championships in track and field, cross country, and various road racing distances, as well as an indoor championship for the age classes that we are involved with, that is bantams, midgets, juveniles, juniors, and seniors.

Q. Once an individual athlete becomes a member of a national team, can that athlete still compete in provincial championships?

25 A. Yes, very much so. The athlete always

is a member of the branch. And so if therefore an athlete doesn't relinquish -- in other words, to be on the national team, he must still be a registered member of the branch or club in Ontario.

5 So, there is no, to my knowledge, no single CTFA membership. You must be a member of a club of a branch. Therefore, you would have to represent the Toronto Olympic Club, and you could represent Canada by being a member of that club. So linked is directly back
10 to the club.

 Q. All right. Just then to summarize in general terms the responsibility of your organization is to sanction and oversee the operation of track and field in Ontario with the particular constituents that you have
15 described.

 And secondly, to govern the activities of the coaches who operate within those clubs that are your members.

 And thirdly, to govern the athletes who
20 participate in provincial or club functions within the province, and to monitor and govern club activities of your club members.

 And finally, to manage the financial grants that you receive from the provincial government?

25 A. That is essentially a very accurate

summary. In addition, we might be asked by our parent body, the CTFA, to perform certain tasks and those tasks we would normally fulfill.

5 Q. Certainly as we have seen through your curriculum vitae, you, as a member of the OTFA Board of directors, you also sit on the CTFA Board of Directors?

10 A. Yes. The OTFA has chosen to have its President represent them at that level. However, it could in the future choose someone else to represent them. And at this stage, up to this point, the OTFA has traditionally had its President sit as a board member at the CTFA level.

Q. Now, I would like to turn to the question of doping and doping --

15 THE COMMISSIONER: Perhaps this would be a good time to take our morning break.

MS. CHOWN: Yes, Mr. Commissioner.

--- Short recess.

20 --- Upon resuming.

THE COMMISSIONER: Mr. Smith, how are you this morning?

MR. SMITH: Very well, thank you.

25 THE COMMISSIONER: I regret the delay, but

I was tied up with a couple of meetings related to the work of the Commission. I am sorry we are late.

Go ahead, Ms. Chown.

5 MS. CHOWN:

Q. Just before the break, Mr. Lund, I indicated that we were going to turn to the question of doping and doping policy. And I want to ask you first of all whether the OTFA has its own separate policy with
10 respect to doping and doping control?

A. No, we do not because your operation is governed by, we operate under the rules of the CTFA and the IAAF. And as a result, we were a party to the development of the CTFA policy and that became sort of our
15 guidelines. So, we are in the process of working with them on their policy and also whatever that policy would become, we would be governed by it.

Q. And simply to put the documentation before the Commissioner, we have here the IAAF rules, the
20 CTFA rules and the flow through, if I could put it that way, to the OTFA.

THE COMMISSIONER: Thank you.

MS. CHOWN: The first, if we might have that bundle, Mr. Commissioner, marked as the next exhibit.

25 THE REGISTRAR: It will be 246, Mr.

Commissioner.

--- EXHIBIT NO. 246: Excerpt from the IAAF Handbook,
1988-1989.

5

THE COMMISSIONER: What date is this
document, please, Ms. Chown?

MS. CHOWN: The first page of comes from
the current IAAF Handbook 1988-'89.

10

THE COMMISSIONER: I see that, but it
doesn't help me with the date.

MS. CHOWN: On the right-hand side of it
typed along the side should say International Amateur
Athletic Federation Handbook.

15

THE COMMISSIONER: '88-'89.

MS. CHOWN: Yes.

THE COMMISSIONER: But it doesn't give me
the date of the document.

20

MS. CHOWN: I am sorry, sir, I am not
following you.

THE COMMISSIONER: Well, it says '88-'89.
When was it done, in '88 or '89, or what date? What date
is this document? It is for the years '88-'89.

25

MS. CHOWN: That's correct, and represents
the current expression of the IAAF.

THE COMMISSIONER: I am not sure it does.

MR. BUCKSTEIN: Mr. Commissioner, I might
be of some assistance. The actual Handbook has a foreward
in it from Dr. Primo Nebiolo, the President of the
5 International Amateur Athletic Federation, dated January
1988.

THE COMMISSIONER: January '88.

MR. BUCKSTEIN: So, I believe that this book
was released at the early part of 1988.

10 THE COMMISSIONER: Thank you. It is
January '88. Thank you. You have the whole book there,
have you, Mr. Buckstein?

MR. BUCKSTEIN: Yes. Yes, I do.

THE COMMISSIONER: Can I see it?

15 MR. BUCKSTEIN: Sure.

THE COMMISSIONER: Thank you. All right,
go ahead, Ms. Chown.

MS. CHOWN:

20 Q. Yes, Exhibit 246, the first couple of
pages, Mr. Lund, are a photocopy of Rule 144 of the IAAF
Federation Handbook. And as we have now clarified it was
released in the early part of 1988.

25 Was that Handbook, to your knowledge,
released on an annual basis?

A. Yes, it is updated and released each year.

Q. And Rule 144 of the IAAF deals at point one with the definition of doping, which has been defined
5 by the IAAF as:

"Doping is the use by or distribution to an athlete of certain substances which could have the effect of improving artificially the athlete's physical and/or mental
10 condition and so augmenting his athletic performance."

Point 2, of course, indicating that doping is forbidden.

And Point 3 setting out a rule of the particular substances which fall within the banned
15 category.

If we might then go over to the second document in Exhibit 246, which is an excerpt from the Canadian Track and Field Association Rules and By-laws, the 1985 to '88 edition. And Rule 248 of the CTFA deals
20 with doping control and --

THE COMMISSIONER: I am sorry, where are you now, Ms. Chown?

MS. CHOWN: The second document in the bundle after the IAAF portion is a single sheet entitled
25

Canadian Track and Field Association Rules and By-laws.

THE COMMISSIONER: All right. Thank you.
I have it. Thank you.

5 MS. CHOWN:

Q. Yes. Under Rule 248, the third
paragraph down, reflects the fact that doping substances
for the purposes of the CTFA are those listed in IAAF Rule
144 in effect at the time of testing?

10 A. Yes.

Q. There are also two other references to
IAAF Rule 144 and the CTFA Rules and that's with respect
to carrying out of anti-doping tests and the sanctions?

A. Yes.

15 Q. And finally as I say just to provide
the continuity here, the last document in the bundle of
documents that make up Exhibit 246 is an actual in
membership form for the Ontario Track and Field
Association.

20 And if I can direct your attention, Mr.
Commissioner, to the bottom where there is a note it says
"please note" and there are six points. And point number
three of that provides what, Mr. Lund?

A. It provides that the member must comply
25 with the rules of the CTFA and the IAAF.

Q. So, in that way, as you say, you simply follow through on the policies of the Canadian Track and Field Association which has in turn followed through from the IAAF?

5 A. Yes.

Q. Do you have any portion of your budget that goes at all to carrying out testing on the athletes under your jurisdiction?

A. No, we do not.

10 Q. All right. Why is that?

A. Probably several reasons. One is the funding availability. And the other aspect is that the program is already in place at the national level. And I suppose prior to '88 as a branch we didn't see it as an issue that needed to be addressed at the provincial and branch level since it was being addressed and dealt with at the CTFA level.

15

THE COMMISSIONER: How was it being dealt with then?

20 THE WITNESS: I beg your pardon, sir?

THE COMMISSIONER: How was it being dealt with at that time?

THE WITNESS: Because they were governed by the rules of the IAAF. And there was in-competition testing, and at the time that was deemed to be sufficient

25

to deal --

THE COMMISSIONER: I see.

THE WITNESS: -- with the drug issue.

Subsequently that now has changed, of course. And also at
5 the time the CTFA has developed their own doping control
policy.

THE COMMISSIONER: Has the IAAF changed?
Is there random testing under the auspices of the IAAF
now? Or is it still --

10 THE WITNESS: I don't think it is in the
rule book, sir.

THE COMMISSIONER: Pardon?

THE WITNESS: I do not think random testing
is in the rule book, no.

15 THE COMMISSIONER: No, that's why I was
asking for the date of this document. All right. Go
ahead, Ms. Chown.

MS. CHOWN:

20 Q. As a result of the events that
transpired in 1988, is there any consideration being given
by the OTFA to make any changes with respect to doping,
doping control, doping education?

A. I think we very likely will wait until
25 the report of the Inquiry comes out. The second point is

we would probably reconsider this based on the happenings of the last six or eight months.

And we have discussed very briefly the importance of an education program for clubs and athletes, and one that is geared to age groups that we are concerned about. In other words, we have not considered testing and in a sense we would like to wait and see what transpires at the national level.

There seems to be a proliferation of testing. I suppose at this stage we would be more concerned with the educational component of developing something in concert with perhaps other sports as well at the provincial level to educate athletes and inform clubs of the drug issue.

Q. Prior to 1988 what was your view as President of the OTFA as to the extent of use of banned substances by athletes at the level with which you are involved, or your organization is involved?

A. I certainly wasn't aware of anything out of the ordinary within Ontario prior to that.

We did publish from time to time lists of the banned substance through our club bulletin which went to all clubs. And from time to time there were also reports in Athletics Magazine on updated information on the drug issue.

So, that form of communication was being passed on to the clubs, but that was in response to information that came down to us through the IAAF and through the CTFA, not from necessarily something we would initiate as a program.

THE COMMISSIONER: Am I right in reading the documentation you are giving me now any doping control that I read here is in-competition doping control?

THE WITNESS: Yes.

THE COMMISSIONER: Go ahead.

MS. CHOWN:

Q. We have had other witnesses from the Ontario Ministry come at the very outset of the Inquiry and touch briefly on some of these issues. And one of the points that was made by those witnesses was that there was a belief that alcohol was a more major problem among this age group of athletes. Is that a view that you share?

A. I certainly would not disagree with that. I think it is one that effects athletes participating at all levels. I know from an institutional point of view, it is also a concern, a going concern, that universities and high schools are concerned with the alcohol problem. And that point is certainly one that is being dealt with and addressed by school boards and by

universities.

Q. Do you make any particular efforts other than the general information you have described that goes out in your newsletter and magazine to inform the athletes under your jurisdiction as to the list of banned substances?

A. Other than the ones I have identified, no.

Q. And the newsletter that you have referred to, the Ontario Track and Field Newsletter, I understand that goes to clubs rather than to individual athletes?

A. Yes. It goes to officers of clubs and a number of individuals who pay an extra fee for that. That essentially goes I think three copies to the president, the secretary, and usually the head coach of a club.

Q. And Athletics Magazine, which we have had some reference to, who gets that?

A. Every registered member receives a copy, a subscription to Athletics Magazine.

Q. Every registered member of the OTFA?

A. The OTFA, yes.

Q. I would like now if I could, Mr. Lund, to turn your attention to a bit of the historical events

leading up to the events of 1988.

And turning first to the involvement of coaches in the question of doping. I understand that there was a particular incident involving a coach in 1984 in Ontario arising out of allegations that this coach was providing banned substances to athletes.

And without going into the intricacies of that situation which were dealt with by a hearing, can you tell me first of all what involvement in general terms the OTFA had with that particular coach as a result of those allegations?

A. Once the allegations were made, we were asked as a branch to set up an investigative body and hold a hearing and deal with the allegations, which we did.

Q. You were asked to do so by the Canadian Track and Field Association?

A. Yes, in that -- in their Policies and Procedures Manual, the branch in the first instance is the one who does the investigation and reports back to their Board of Directors.

I was the chairman of that investigative body. And we proceeded to hear the evidence from those concerned. And we made a formal report to the CTFA on our findings.

Q. And I understand that several findings

were made by your investigatory committee. Can you briefly outline those for us?

5 A. Essentially we were not able to substantiate the allegations that were made with respect to the use or the counselling to use steroids.

10 What we did find in our investigation was that the coach had administered Vitamin B-12 by injection on numerous occasions without the support, or advice, direction of medical personnel. And that formed the basis of our secondary sort of component of our report dealt with that issue as coaching behavior.

15 Q. Did you make a recommendation as to penalty to the Canadian Track and Field Association with respect to this coach?

20 A. Yes, we recommended that he be suspended for a two-year period, and that he not be allowed to participate or receive funding, lecture in any sort of track and field program in the province or in the country.

25 Q. Now, I understand as a result of the findings made by your committee and the recommendation as to sentence, that the individual involved launched an appeal. And there was an appeal committee struct by the Canadian Track and Field Association to hear his appeal.

And that appeal committee upheld the

findings made by your committee. What was done with respect to sanctioning?

A. The appeal committee, which was appointed by the CTFA to hear the appeal, found that the coach did not -- if I could just read this:

"The investigative body of the Canadian Track and Field Association found the coach did not encourage the use of nor administer anabolic steroids to his athletes."

On the basis of that, they supported the position of the appeal and decided not to discipline the coach on the administration of Vitamin B-12.

Q. What was the particular concern that the Ontario Track and Field Association had about the coach administering injections that were by the findings of your own committee not of a banned substance?

A. We didn't come to that decision -- or position quickly. We considered a number of alternatives. We sought out the advice of the Chief Medical Officer of the CTFA, Dr. Doug Clement. And his feeling and his position was that these types of substances should be administered under medical supervision.

And in addition, we discussed it with a number of people. We felt that the injection by a coach of any substance through the use of a needle was

inappropriate behavior for a coach.

And we were concerned that coaches might read this lack of sanction for this behaviour as being one that would condone it.

5 So, in response to that, when the last press release came out, we responded by writing to our members simply indicating that although they should not read that in to the press release and position of the CTFA and the result of the appeal, and that we would continue to treat
10 that kind of behavior with disciplinary action.

Q. And in fact, you provided to me a copy of the report that was released by the Ontario Track and Field Association on April 17th, 1984, concerning this topic, and I'd like to refer to some portions --

5 THE COMMISSIONER: Was this before the appeal or after the appeal, Mr. Lund?

THE WITNESS: This was after the appeal, subsequent to the appeal.

THE REGISTRAR: 247, Mr. Commissioner.

10 --- EXHIBIT NO. 247: COPY OF REPORT RELEASED BY THE
ONTARIO TRACK AND FIELD ASSOCIATION
ON APRIL 17, 1984.

15 MS. CHOWN:

Q. This is a two-page document, Mr. Lund, that's directed to OTFA clubs, coaches and boards of directors, and it is signed by you as President, of course as you were in 1984 and still are today.

20 Looking at that document, if I could ask you to -- the first paragraph simply relates to the factual background. The third paragraph focuses on the issue that you address here, and you've got that underlined, the admitted administration by hypodermic needle of vitamin
25 B-12 to athletes by a coach. You have gone on to say in

that news release that the Board of Directors, as you put it earlier, wanted to make clear what your position was with respect to this administration, notwithstanding the fact that the CTFA chose not to sanction the individual coach.

If I could ask you particularly to drop down to .3 that says:

"The position of the OTFA has not changed regarding the issue of the administration of vitamin B-12 to athletes by the injection by a coach."

In fact, had you had any formal position on this issue prior to this particular incident?

A. No. I think in 1983 it became apparent through a number of international events, one being the World Championships in Helsinki, Finland, that there were a number of athletes who were utilizing this substance. In sport, as you can appreciate, there are a number of situations that develop and arise which you have to deal with. This is something new that there were no rules to cover. We simply grouped it under the rule that we felt there was unethical behavior of a coach, and within our jurisdiction within the branch, we felt that it was important that we state clearly our position on the use of vitamin B-12 because it was not at the time an illegal

substance. To my knowledge, at the time, it had to be
obtained through prescription, and as a result of that, we
felt that sport in its design has the support of medical
personnel and that these are the individuals who should
5 administer these types of things. If you could think --
this was 1984. It would seem much more appropriate now,
given the concerns that the people have for the spread of
disease, the allergic reaction to a complex substance like
vitamin B-12, that perhaps it was inappropriate for a
10 coach to administer that type of a substance to an athlete
because he in fact was not trained to deal with the
possible outcomes of it.

Q. So simply to follow up on that, that
remains the position of OTFA today with respect to the
15 administration of injections by coaches to athletes?

A. Yes. And I think the message was clear
enough. We've not had any further allegations or problems
with this aspect that's been brought to our attention.

Q. Indeed on page 2 of this exhibit, you
20 indicate that you would take whatever disciplinary action
is deemed necessary should such an incident occur in the
future. What were the sanctions, if I can put it that
way, that would have been available to you to deal with
the coach?

25 A. We would probably have -- well, we

would have the ability to sanction or suspend for a designated period of time. I guess the rules don't specify exactly what the sanctions are, so it could be for life but it could be for a lesser period of time as well; but we would simply have based our decision, I think, on the seriousness of the offence. But it could be a suspension. It could have been a withdrawal, withholding of funding, denial of being part of a national or a provincial team. Those would be the types of sanctions we would be able to impose.

I might add that we simply adopted as .8 the medical protocol that was recommended by the Chief Medical Officer of the Canadian Track and Field Association, so it wasn't something that we came up with ourselves. It was something that had been devised and developed and accepted by the CTFA as policy.

Q. You have quoted a section from that medical protocol that I might just read, the medical protocol recommended by Dr. Doug Clement, and the quote is:

"When injections are prescribed for an athlete, these be administered by qualified medical personnel only."

A. Yes. The other aspect that perhaps is worth noting is that the coach in question was not an

isolated coach. I think we used the example that if he
had been a coach in an isolated area by himself, unsure
what he should be doing, he might have perceived the
information and the rumors that were going around that
5 vitamin B-12 was a reasonable and acceptable sort of
substance to use.

However in this instance, the coach had the
advise of several doctors that he had the opportunity to
seek out. He performed these acts in a situation in which
10 athletic therapy personnel were right down the hall and
in actual fact I think also performed them in situations
where medical personnel were in the group at the time. So
it was to our feeling that ethically he exercised, I think
the term was "poor judgment" in not seeking the support
15 made by some of these individuals.

THE COMMISSIONER: In the appeal apparently
they didn't address this issue. I was just reading
your --

THE WITNESS: I was not subject to the
20 discussion on the appeal, so I can only suggest that --

THE COMMISSIONER: Going back, what were
the allegations against the coach? That he administered
or encouraged the use of steroids, was it?

THE WITNESS: That was the allegation.

25 THE COMMISSIONER: And what type of inquiry

did you hold?

THE WITNESS: Within the ability we had, we called for witnesses. Witnesses would not come forward to --

5 THE COMMISSIONER: They would not come forward?

THE WITNESS: Would not come forward.

THE COMMISSIONER: So as a result of that, you had no evidence?

10 THE WITNESS: In a sense, we did not find any evidence to suggest that either --

THE COMMISSIONER: The witnesses were the athletes that were supposed to have been taking the steroids?

15 THE WITNESS: We questioned the athletes. The ones that we questioned did not have -- would not admit to having received steroids.

THE COMMISSIONER: They all denied it?

20 THE WITNESS: They all denied it and admitted to the use of vitamin B-12.

THE COMMISSIONER: I see. Is that your only experience of investigation?

THE WITNESS: That was my first experience, yes.

25 THE COMMISSIONER: Have you had any since?

THE WITNESS: Yes, one additional one. In that first instance, I was the Chairman of the Investigative Committee or investigative body. The second one was the investigation into the positive doping test of Messrs. Gray, Daija and Spiritosa.

THE COMMISSIONER: All right, we'll come to that later.

You called the athletes forward, and they all denied taking steroids, but they said they took vitamin B-12. That was the sustance of the reference?

THE WITNESS: That's right.

MS. CHOWN:

Q. I'm simply going to clarify the context somewhat. The reason that there were allegations that were brought to your attention about possible administration of steroids came as a result of a series of newspaper articles?

A. That's correct.

Q. As a result of that, you then --

THE COMMISSIONER: Well you thought it was sufficiently meritorious to justify investigation, I gather?

THE WITNESS: Yes, they were, and they were justified to the point where the coach in question was a

shared employee, and the institution that he worked for was considering dismissal on the grounds of those allegations.

THE COMMISSIONER: Well, Daija and Spiritosa, they had already been disqualified, had they?

THE WITNESS: No. That incident followed this.

THE COMMISSIONER: I know that, but in their case they had been disqualified?

THE WITNESS: Yes, they tested positive and as a result were appealing the positive dope test.

THE COMMISSIONER: All right. We've heard about that. Thank you.

MS. CHOWN:

Q. Moving on to athletes themselves, Mr. Lund, I'd like to ask you to cast your mind back over the years you've been involved with the OTFA and to indicate to us when it was that you first started to become aware that anabolic steroids and other banned substances were a factor in track and field?

A. I guess if you're involved in coaching track and field, you're aware of discussions that athletes have had and things that occur. I suppose that one began reading about it and hearing about it in the 70s. It came

home perhaps to me in conversations an listening to and
talking with Dave Steen, who is the uncle of the present
bronze medalist, who was a Commonwealth record holder in
the shot put, and he expressed concerns about the extent
5 of drug use to a degree that he decided to end his career
on the basis of that. That was sort of perhaps the first
dramatic --

THE COMMISSIONER: I thought he admitted to
his own use?

10 THE WITNESS: Yes, he did, but not I
believe at that time. It was subsequent to that time. At
the time, he felt -- if I recall the expression he used
was that if he was to continue to be competitive, he would
have to subject himself to steroid use. Perhaps the story
15 has changed and he has elaborated on that since then.

MS. CHOWN:

Q. But at some point, I take it, you
became aware of his admission of his own steroid use?

20 A. Yes, but that is somewhat more recent.

Q. Yes.

A. I suppose the other one was --

THE COMMISSIONER: About what year now? I
interrupted you. What year are we talking about that this
25 conversation took place?

THE WITNESS: Well, if I recall, he gave a coaching conference in Cambridge, an OTFA sponsored coaching conference in which he expressed concern about drug use in sports, and he used himself as an example. It was a fairly emotional presentation in which he indicated that if he was to continue, that it wasn't a fair playing field that he was sort of facing out there.

MS. CHOWN:

Q. Do you recall when that coaching conference was?

A. It would have been in the late 60s, I believe.

I suppose during the 70's, then, I'm not sure of the date, but a girl by the name of Joan Wenzel tested positive for a banned substance; another girl, Alexis Paul-MacDonald from Toronto.

Around this period, the international track and field world came right to our doorstep in '76 with the Olympics. So I think the issue of drugs became sort of a discussion point there, no evidence, but certainly the world scene arrived in Canada in 1976 and that sort of prompted or again brought some of the discussions about drug use a little closer to home.

But for me, I suppose the most dramatic one

occurred in the '83, '84 to '86 period, and it had to do with a local athlete in Kingston who I had known since her public school days and watched her evolve as a public school athlete. As a high school athlete, she went to the same high school as my children went to. I was a personal friend of her club high school coach, and it was the dramatic changes that took place with respect to Cheryl Thibedeau. It became evident to me as a coach that during the period of time that she chose to come to Toronto, leaving her high school coach, leaving her club coach, leaving her home environment to pursue an athletic career, that certain dramatic changes occurred to her: physical appearance; muscle definition and so forth.

Q. I take it that you continued to observe Ms. Thibedeau in competitions after she had moved to Toronto, and that's when you noted these changes?

A. Yes, and I suppose the closest was in 1985 at the Americas Cup in Puerto Rico when she was attempting to make the Americas Team. She ran the 400 meters there, and when she finished, I was at the finish line and assisted her away from the finish line, and I realized then that this wasn't -- there was some very dramatic changes had taken place in this girl's physique. So I suppose that watching that transition was, at the time not knowing what it was, but certainly brought home

very clearly to me that there were some changes that were either the result of some very unique forms of training, but it certainly was dramatic in terms of her physical structure.

5 THE COMMISSIONER: Well, did you not
associate that with the drugs?

 THE WITNESS: I suppose it was a suspicion,
but it was very difficult to --

 THE COMMISSIONER: I mean, that's what you
10 were thinking, though?

 THE WITNESS: Yes, I think I was. I was
thinking that having trained athletes and having provided
weightlifting programs for athletes, I'd not had that type
of success in terms of body development.

15

 MS. CHOWN:

 Q. Were you aware who was Ms. Thibedeau's
coach in Toronto and where she was training?

 A. Yes. I believe prior to going to
20 Toronto, she -- it wasn't in the form of counselling; it
was just a form of discussion, asking her what I thought
about her going to Toronto, and my response was that I
felt that everything she was doing was appropriate in
Kingston. So although it wasn't a form of coach or of
25 counselor, it was a simple discussion with her that I

think she was trying to suggest that perhaps for the programs that she needed at this stage and for her future she should move to Toronto and become part of the sprint group that was operating out of York University at the Center and that she should perhaps be coached by Charlie Francis. I suppose my comment was that at this stage of her development, everything she was doing to my knowledge was appropriate in the Kingston area and that she should finish high school and then after that decide what she wanted to do. I think it was Grade 11 when she left Kingston and went to Toronto and attended a school in Toronto.

Q. Had you, at the time you were having the discussion with Ms. Thibedeau, heard any rumors about the Sprint Center, Mr. Francis' group at that time, and if so, were those in your mind when you were somewhat suggesting that she might simply remain in Kingston?

A. No. I think my response was more in terms of her leaving a home environment where she was getting good coaching, and I don't think at that stage I had any real strong feelings about events that were occurring. I'm trying to think back. I'm sure my feelings were more related to a young athlete leaving home and going to a big city rather than leaving a clean environment, going to a so-called "drug environment". I

don't think my thoughts were based on drug usage.

Q. Now I understand in 1985, in fact, you did spend some period of time with Mr. Francis and Mr. Johnson when you attended the World Cup in Canberra?

5 A. Yes. I was the Chef de Mission for the Americas Team which was a team made up of South American, Central American, Caribbean and Cuban plus Canadian athletes. Charlie was one of the coaches on the team, and of course Ben Johnson was one of the athletes. I spent a
10 considerable amount of time again discussing, talking track and field with Charlie, and at this time he demonstrated to me a great deal of knowledge about the use of drugs in sports and in track and field and certainly in his event; but at no time did he indicate nor did I pursue
15 the matter with him whether or not he in fact was using drug substances, but certainly he gave me the impression that he was not using banned substances. When Ben ran 10.0 in Canberra, Charlie was quite proud of the fact that he had now demonstrated the program's success, and he was
20 visibly proud and excited about that event, and there was no indication then, nor did I ask him any specific questions on drug use by himself.

Q. You commented on changes that you had noticed in Ms. Thibedeau's physique. Had you at that time
25 in 1985 noticed any changes in Mr. Johnson's physique

that --

A. Nothing out of the ordinary, nothing that perhaps to my knowledge would have indicated to me anything dramatic, no. I've looked back at pictures of that time, and I couldn't say that I'd notice anything really different in Ben Johnson at that time.

Q. I take it the kind of contact that you had with Mr. Francis on that occasion would be riding the bus back and forth from competition, sort of social chit-chat in which these discussions about the use of performance-enhancing drugs came up?

A. Dinner conversations; meetings; coaches meetings; rides to the stadium on the bus; discussions in the stands while the events are going on, sort of thing.

Q. Prior to that time, had you in fact known Mr. Francis?

A. Not really, no. I'd known of him. We'd had a number of encounters in meeting situations, workshop situations; but no, I couldn't say that I knew him.

THE COMMISSIONER: What year was it that you noticed a change in Ms. Thibedeau for the first time? I didn't get that date.

THE WITNESS: I believe she left Kingston in '84.

THE COMMISSIONER: You said you were at a meet where you were at the side of the track when she finished?

5 THE WITNESS: That was '85 in the Americas Cup, the meet she was attempting to qualify for the Americans Team. She didn't qualify, but she ran the 400 meters, it would be October 1985 in Puerto Rico.

THE COMMISSIONER: And when was the meet in Australia?

10 THE WITNESS: That followed the Americas Cup meet, so it would be late October. The team was selected in Puerto Rico and then travelled from Puerto Rico to Canberra, Australia. So this was the qualifying meet for the World Cup of 1985.

15 THE COMMISSIONER: But you noticed Ms. Thibedeau's condition before you went to Canberra?

THE WITNESS: Yes.

20 THE COMMISSIONER: Well, then, didn't that alert you to the fact that she was, in your view, probably taking steroids? That's before you went to Canberra with Mr. Francis and Mr. Johnson.

25 THE WITNESS: I suppose I had strong suspicions then, but I think it was probably, again knowing Charlie well enough, also the temperament, that I perhaps didn't want to create a confrontation on the issue

at that stage. My responsibilities at that time were
really directed to the Americas Team. That was a team
made up of athletes from all of those countries, and it
didn't really seem appropriate to confront Charlie with
5 questions of that nature, and I didn't.

MS. CHOWN:

Q. Did you at any point consider speaking
to Ms. Thibedeau whom you knew reasonably well from your
10 acquaintance with her in Kingston?

A. No. We talked on a number of occasions
about things, and she didn't suggest a problem, and at
that stage I didn't suggest offering her any advise in
terms of what she was doing.

15 Q. Although you were concerned?

A. I was concerned only because of having
known her, and I believe her club coach had the same
concerns, and his reaction was basically the same as mine.

Q. By her club coach, who are you
20 referring to as her club coach?

THE COMMISSIONER: In Kingston.

MS. CHOWN:

Q. In Kingston?

25 A. The club coach in Kingston was a

gentlman, a high school coach by the name of Wayne Bulak:

Q. If I can take you back in the 1980s, we have certainly heard evidence here about the effect of the Pan-American Games in 1983 in Caracus. Was that something
5 that you were following, and were you aware of the numbers of tests and numbers of athletes leaving to avoid testing at those games?

A. I think that was probably a point when one began to realize the extent of the use of banned
10 substances in international athletics because I think those games bought home very, very clearly that athletes were certainly much more prevalent than it had been in the past.

Q. I understand that at some point in 1986
15 you were having a discussion with a European coach in which you received some further information about steroid use by Eastern Bloc athletes. Can you tell us about that, please?

A. Yes. There was a coach from Finland
20 that came to do a series of seminars in Canada on middle distance and distance training. As part of his presentation, he brought up the issue of drug use but produced no evidence. Subsequent to the seminar, we were discussing it in my office, and he gave to me and
25 indicated to me a training program of a Russian athlete

which a colleague of his had provided to him, and in this training program, he indicated to me where the drug program was being administered in the athlete's year-round training program. He was simply emphasizing to me that this is the problem we were facing. In that situation, it was part of the athlete's program. It was condoned by the Federation. It was administered in a controlled situation, and suggested that it was at a point where this would not be detected in subsequent competition.

I suppose at that point it became very clear that this was what was happening in Europe, that athletes were participating in international events with the support of banned substances, but they were administered in a fashion in which they would be monitored so that they did not enter international competitions when they would then perhaps test positive.

Q. Were you not aware before this point of the programs of cycling steroids?

A. I think I was aware that these were happening. I didn't really have any hard evidence, and I suppose this evidence was given to me secondhand, but it was an interesting sideline to what had been written about and what had been rumoured about.

THE COMMISSIONER: And what year was that, Mr. Lund?

THE WITNESS: That was, I believe, in 1986.

MS. CHOWN:

Q. Then again returning to Canadian

5 athletes, when was the next time that you made an
observation that led to your suspicions that there was
anabolic steroid use among Canadian athletes, in
particular among Ontario athletes?

A. Well, I guess at the first World Indoor
10 Championships in Indianapolis in 1987, I --

Q. You were there as the Chef de Mission?

A. I was there again as the Chef de
Mission and very closely associated with Ben Johnson, and
he had a very successful race there; but the other athlete
15 was Mark McKoy who had a disastrous race in which he fell
prior to the finish line in a collision with an American
athlete, so I accompanied him to the medical area. It
would have been I suppose the following indoor season that
I observed him competing in a race in Hamilton and
20 observed a tremendous change in his upper-body structure.

Q. You're talking about a time span of
having observed Mr. McKoy --

A. In March.

Q. -- in March of 1987?

25 A. Yes.

Q. You next observed him, I believe you indicated to me, in the Hamilton Indoor Games which were held in January of --

5 A. Mid-January in '88, and during that time period, a very, very dramatic change had taken place in the development of his upper body. It was a comment that many coaches made. Many people who were familiar with the sport, familiar with him as an athlete, and it seemed a rather rapid and unusual upper-body development
10 that had occurred.

Q. And what conclusion did you draw from your observation?

15 A. I suppose again with no proof, but certainly said there has to be something there more than simply a weight training program. I just couldn't envisage that development being sort of, the natural development, as a response to a weightlifting program.

Q. Did you make any similar observations of other athletes at that time?

20 A. I think probably to a lesser extent, but perhaps not as dramatic, would be the development that occurred in Desi Williams.

Q. Now again staying in the early part of 1988, I understand that you were attending numerous meets
25 on the indoor circuit, and in fact you were at a CIAU meet

in Winnipeg. I believe that was sometime in January or February in 1988?

5 A. The CIAU Championships were in Winnipeg in March, the first week and then the 14th or 15th of March.

Q. March 1988, then, and can you tell us what happened there, please?

10 A. Well, this had been preceded by just an increase in comment, reaction, concern by coaches; in other words, the level of discussion seemed to be much, much greater than it had ever been. I became --

Q. Are you talking about an increase in discussion about particular athletes or a particular coach?

15 A. I think about the Sprint Center, about the sprinters, about drug usage in the rest of the world.

THE COMMISSIONER: And where was this, Mr. Lund?

20 THE WITNESS: Well, it would be with any of the meets that I attended in Ontario.

THE COMMISSIONER: Oh, in early '88?

THE WITNESS: During the indoor season of 1988.

THE COMMISSIONER: Thank you.

25 THE WITNESS: I became increasingly

concerned about the degree of which this discussion had taken place.

During this period, I also became a close friend with a coach at York University, and our
5 discussions ranged from broad subjects to philosophical views of athletics and the role that universities should play. One of his comments to me was that -- he was a world class performer himself, and that he actually chose not to participate -- he represented another country in
10 '76, and he chose not to participate in the drug program there, and he felt that that cost him a medal at that event.

That subsequently led us to very, very extensive discussions about his concern about things that
15 were happening at the Sprint Center, and I had no reason to disbelieve him. He did not name names, but he made it very clear that it was a problem that he was becoming concerned about and that he did not know how he was going to get out of that situation.

20 Q. Can you tell me -- you say he did not name names. What specific information did he provide you about the York Sprint Center?

A. That athletes were being advised and encouraged to participate in drug programs, that they were
25 very much a part of the --

THE COMMISSIONER: Was he a part of the coaching staff?

THE WITNESS: Yes. That they were very much a part of the programming there, and he raised a concern, although he didn't say it was happening, that he was concerned that the programs were starting to extend down into the high school age group and that 15 to 17 year olds were were seeking out an opportunity, and one of his concerns was that this was going to become a common practice.

Q. Who was advising and encouraging the athletes?

A. He did not name any names. He simply referred to coaches at York who were working out of the Sprint Center.

Q. And did he refer to any particular athletes as being the ones who were participating in a drug program?

A. No, he did not, but I think from the tone of the discussion, we were talking about the elite athletes at the Center.

Q. This information would have come from this coach in several discussions with him in early 1988?

A. Yes. The coach in question was also at the same time attempting to seek employment, and I suppose

one of the reasons that it was difficult at that point --
I did not want to first of all endanger his opportunity to
gain employment, and as a result, I tried to keep that
information fairly confidential in terms of who the
5 individual was.

Q. Well I take it that you were aware
certainly that the behavior he described was a direct
contravention of IAAF rules if athletes were in fact
taking these banned substances?

10 A. Yes.

Q. And, as well, policies within Canada
involving coaches in their encouraging or administering
these drugs was a violation?

A. Yes.

15 Q. As a result of that information, did
you, yourself, take any steps to follow up on it by
obtaining more information from him or from any other
source?

20 A. No. At that stage, our most extensive
discussion occurred on the weekend of the 12th and 13th of
March in Winnipeg, and on the 18th of March I wrote a
letter, a confidential letter, to the President of the
CTFA, Mr. Wilf Wedmann, and a copy to the Chairman of the
Board of Directors, Mr. Jean-Guy Ouellette. In that
25 letter, I outlined my concerns, and I was expressing --

Q. Let me just stop you there.

MS. CHOWN: We have put before you, Mr. Commissioner, a copy of Mr. Lund's letter of March 18th, 1988, directed to both Mr. Jean-Guy Ouellette, as Chairman of the CTFA Board, and Mr. Wilf Wedmann as President.

THE COMMISSIONER: What number, please?

THE REGISTRAR: 248.

THE COMMISSIONER: 248. Thank you.

--- EXHIBIT NO. 248: COPY OF LETTER DATED MARCH 18, 1988, FROM MR. LUND TO MR. OUELLETTE AND MR. WEDMANN.

MS. CHOWN:

Q. And attached to it is Mr. Wedmann's
reply which we will come to. The discussion that you have
referred to with the coach at York University would have
come the weekend prior to writing this letter then, Mr.
Lund?

A. Yes. The result of that outcome and
sort of my thinking, I felt that it was an appropriate
time that perhaps should inform the two senior individuals
in the CTFA of my concerns at that time.

Q. And --

THE COMMISSIONER: Well, you don't spell it
out here, do you?

THE WITNESS: Well, I suppose --

THE COMMISSIONER: You say you are
concerned about coaching and training methods of practices
are being employed.

THE WITNESS: Well, I suspect that my
interpretation of -- there are a variety of unethical
coaching practices, and I guess I was assuming that -- I
was suggesting that there were some practices that were
unacceptable and that were against the rules.

THE COMMISSIONER: What you are really
concerned about was the use of steroids?

THE WITNESS: Yes. Well, I didn't say that

and the reason I didn't was because I was concerned about not having any hard evidence. And as a result of that --

THE COMMISSIONER: Well, you have got a coach, you have got a coach --

5 THE WITNESS: Pardon?

THE COMMISSIONER: You have got a coach within the group telling you this. That's pretty good evidence, I would think. That's just not rumour any more. You have got a coach that's telling you what is going on, he sees it every day.

10 THE WITNESS: Well, as I said to you, I was also concerned about the welfare of this coach who at the time was basically --

15 THE COMMISSIONER: That's another point, but the fact is that you had pretty direct evidence, Mr. Lund, with all respect.

In any event, what you meant by paragraph 3, without isolating it, was the question of steroids. And I gather --

20 THE WITNESS: I thought about being more specific and I chose not to be more specific simply because of the concern I had for slander, any legal action that might --

THE COMMISSIONER: I understand.

25 THE WITNESS: -- come back towards me on

this issue.

MS. CHOWN:

5 Q. If I could come back to point three,
you mention there, let me just quote:

10 "It has recently been of an increasing
frequency that athletes, coaches and
administrators have expressed their concern
to me with respect to the coaching and
training methods and practices that are
being employed and developed at the National
Sprint Center."

15 Just looking at your three sources, you
mention coaches in the plural. Were there other coaches
apart from the coach you have referred to that provided
you any information about the situation at York?

20 A. Not correct information, but an
increasing number of coaches were expressing concern
"what's happening" "what's going on there" and as a
result --

Q. What were their concerns based on as
expressed to you?

A. I think their concerns were based on
the same observations that you earlier alluded to me.

25 Q. All right. You also --

A. That I had been concerned about.

Q. You also refer to "athletes" expressing concern to you. What information did you receive from athletes?

5 A. Well, I did have a discussion with the athlete who went to Simon Fraser. The name escapes me.

Q. A track and field athlete?

A. Yes. Who did express concern to me on this aspect.

10 Q. Was it Mike Dwyer?

A. Mike Dwyer.

Q. All right. Again, can you tell me what information Mr. Dwyer provided to you, and when he did so?

15 THE COMMISSIONER: Mr. Dwyer is a prominent athlete himself or was at that time?

THE WITNESS: Yes. His concern was that he did not -- he was never specific -- but he did not like the environment at York University.

20 There were a number of athletes, too, that prior to this had left York. And, although, again the reasons why they left Charlie and left York were always somewhat unclear.

25 I believe Molly Killingbeck left there, Desai Williams left, and Mark McKoy also sort of went through a stage of disassociation with Charlie. And that

was sort of highlighted by "why was this happening."

I suppose another coach that expressed concern was a personal friend of mine, George Neeland, who, again, was observing events and occurrences at York and expressed his general concern about things that were going on there.

And looking at the evidence as presented so far, it is not surprising that they would not be more specific because the group was relatively -- seemed to be relatively secretative about the administration of these substances.

Q. Just finishing then your sources as indicated there, who were the administrators who indicated concern to you?

A. I would include some of our own Board members who were asking questions on that. I would include them within the group of administrators, the people who were administrating the sport.

I suppose the same kind of concerns we discussed with our own staff because --

THE COMMISSIONER: What were you --

THE WITNESS: -- we were concerned about the center.

THE COMMISSIONER: I am sorry, go ahead.
You are proposing action to be taken by the Board of

Directors, I notice.

"All aspects of the Sprint Centres operation is being done within the existing rules of the IAAF and the CTFA".

5 How were you proposing that be done, or that's what you wanted to discuss with him, I guess.

 THE WITNESS: Well, to be fair, I should perhaps give you an indication of the history of how the operation, the CTFA operation existed.

10 In 1984, prior to 1984, the volunteer was intricately involved with running the CTFA. And the CTFA was a volunteer-run organization and was encountering a number of problems because programs weren't being delivered properly. And so they obtained the assistance
15 of a management company, Coopers & Lybrand.

 THE COMMISSIONER: Yes.

 THE WITNESS: And a consultant by the name of John Curtis who did a study of the CTFA operation and came up with a recommended restructuring of the
20 organization of the CTFA.

 And that was generally accepted in 1984 at a Board Meeting in Los Angeles. At which time it was agreed to change or begin the process of change from a volunteer structure to a corporate-volunteer structure mix in which
25 the president would become the senior staff officer.

And at that point, there was some guidance given to Boards of Directors. And one of them, one aspects was that you should not get involved with the day-to-day operation of the Association. And we were told that we must learn to discipline ourselves.

So, we had come through a series of operations where we had been very much involved in the affairs of the Association.

So, my reaction then on the basis of this letter was attempting to respond to that type of discipline that in fact we did hire a staff who were, by the way, well paid and well qualified to run our sport for us. And we were, as Board members, to provide advice, input, set policy. And as a result, I was informing at this stage the two individuals who I felt were appropriate to then take it further and investigate it and come back to the Board with suggestions and so forth.

And at this stage, I wanted it to be kept in confidence because it was leading up to the 1988 Olympic Games.

THE COMMISSIONER: I see.

THE WITNESS: Obviously, we were all concerned about our team preparation.

THE COMMISSIONER: You wanted the President of the CTFA and the National Coach and High Performance

Director somehow to satisfy themselves at this stage that all aspects of the Sprint Centre's operation is being done within the existing rules. That's what you are asking them to do?

5 THE WITNESS: Yes.

THE COMMISSIONER: All right. And you were serious about this, it says in the next paragraph.

When was the next meeting to be held, do you recall?

10 "I would like this item dealt with in camera and in confidence before the Board of Directors at our next meeting."

Was there a meeting scheduled near March of '88?

15 THE WITNESS: Yes. At that time I was informed that this was being looked after and that they were going to follow it up. It didn't -- I did not get confirmation of that --

20 THE COMMISSIONER: The national coach is Mr. Gerard Mach; is that right?

THE WITNESS: The Head Coach and High Performance Director was Gerard Mach, yes.

THE COMMISSIONER: Yes.

25 THE WITNESS: I did not get confirmation until May of that year in terms of a formal letter in

which it was suggested that Gerard Mach and Jean Guy Ouellette, who had a special relationship with Charlie Francis, would approach him on the issue.

THE COMMISSIONER: All right.

5

MS. CHOWN:

Q. Let me just come back, if I could, to the April Board of Directors' meeting which followed your letters. You were, of course, writing this letter really with two hats on as someone who had information about a situation, but you were also a member of the Board of Directors of the CTFA?

10

A. Yes.

Q. At the April meeting, was your letter or the general topic of the York Sprint Center an item on the agenda?

15

A. No, it was not.

Q. Was your letter of April 18th put before the Board of Directors?

20

THE COMMISSIONER: Of March 18.

MS. CHOWN:

Q. I am sorry, March 18, put before the whole Board of Directors for their review, comment and possible action?

25

A. No, it was not.

Q. I believe you indicated there was some reference to your letter at the meeting. Tell us what that was, please.

5 A. I discussed the contents of the letter with both the Chairman of the Board and the President. And I was assured that this was -- this was ongoing. They also expressed -- we talked very generally about the apparent seriousness of the entire drug scene. And I
10 guess both I and the Chairman, Jean Guy Ouellette, exchanged views that we were concerned about the level to which or the extent of the involvement of sort of the drug issue was to the degree that if we were to pursue it more aggressively, there could be some risk to our own personal
15 safety.

And I guess we were suggesting -- I was suggesting to him that I felt that it was serious and that it might be extensive and that perhaps it was beyond the point where we as volunteers could deal with it.

20 And he more or less at the time agreed with me that he was also concerned about the depth or the extent to which it might involve the -- that the money involved in the illicit or the steroid market was such that yes, there was certainly some concern.

25 Q. Let me just clear up these discussions

that you mentioned having with Mr. Ouellette. Were they part of the Board meeting formally or were they discussions that you had privately with Mr. Ouellette around the time of the Board meeting?

5 A. They were private discussions outside of the Board meeting.

 Q. So, the Board of Directors then, just so we are clear, was not aware that you had expressed this concern through it being brought formally to their
10 attention at the April Board meeting?

 A. No.

 THE COMMISSIONER: Do I understand that your letter was directed to Mr. Ouellette and Mr. Wedmann, I notice.

15 THE WITNESS: Yes.

 THE COMMISSIONER: It was not tabled at the meeting?

 THE WITNESS: No.

20 THE COMMISSIONER: Although you had asked for that to be discussed at the meeting?

 THE WITNESS: I asked for that and I was told because they were working on it, it was -- they were looking into it, and at that point I felt that I had --

25 THE COMMISSIONER: So, these discussions were contemporaneous with the meeting, but not a part of

the meeting?

THE WITNESS: That's right.

MS. CHOWN:

5 Q. Did you indicate to Mr. Ouellette or
anyone else that apart from the general suggestions you
had made in your letter you in fact had some specific
information from a coach at the York center about the
involvement of athletes there in the taking of banned
10 substances?

A. No, I don't think I did because this
coach was an employee of the CTFA. And again, as I said,
I don't think I was specific to implicate him at that
stage.

15 Q. Did you give any consideration --

THE COMMISSIONER: Without naming the
source, you didn't say "I have got -- this is direct
information from somebody who is inside the group" you
know?

20 THE WITNESS: I don't think I was that
specific.

THE COMMISSIONER: All right.

MS. CHOWN:

25 Q. Did you give any consideration at that

time, either personally or in private discussions with other Board members, to having the kind of investigation ordered that you had participated in in the incident that we have reviewed in 1984 where there had been --

5 THE COMMISSIONER: Well, that wasn't very successful, apparently.

MS. CHOWN:

10 Q. No, I understand that, but I am just interested to know whether any consideration was given at that stage to conducting an investigation?

15 A. Well, I guess I was exercising my sort of disciplined role as a Board member to make them aware of what -- of information and then in a sense it was their job to take it further.

20 I guess I was also sensitive to having been a member of the planning committee in which we were developing sort of the game plan for the '88 Olympic Games in which we were obviously focussing on those events in which we could do well in, that it was perhaps, in looking back, it certainly I think was my feeling that I didn't want to be disruptive to the program, because perhaps I was -- I might have been wrong, and, therefore, I was concerned about sort of the excitement, the anticipation
25 of the Olympic Games of 1988 and the effort that was

going in to that.

So, there was a lot of CTFA and branch focus on that program.

MS. CHOWN: Mr. Commissioner, I am going to turn to Mr. Wedmann's reply.

THE COMMISSIONER: We will deal with that at 2:30. Thank you.

--- Luncheon recess.

--- Upon resuming.

THE COMMISSIONER: Yes, Mr. Chown.

MS. CHOWN: Yes, thank you, Mr. Commissioner.

MS. CHOWN:

Q. Before the luncheon break we were about to turn to the second part of Exhibit 248.

THE COMMISSIONER: Before you do that, might I just ask a few questions just to clarify it.

MS. CHOWN: Yes.

THE COMMISSIONER: Having written this letter on March the 18th, I assumed you would expect it would be on the agenda for the next Board of Directors' meeting, is that right, when you wrote it?

THE WITNESS: No, because I had been told that it was being in process, it was being looked into and there was nothing --

THE COMMISSIONER: At the time that you wrote the letter you had already been told?

THE WITNESS: No, subsequent to writing the letter I was told we were looking into it and it would not be on the Board of Directors --

THE COMMISSIONER: That's where I am at the moment. You write the letter warning them in a rather general way, and asking that it be dealt with at the next Board of Directors' meeting. And what transpired between that and the next -- and the Directors' meeting where it was not on the agenda?

THE WITNESS: What didn't transpire to my knowledge was that a meeting with people involved, that is with --

THE COMMISSIONER: No, what follow up did you do? I am just quite interested in -- as I read this letter, one would expect either an inquiry of you exactly what you meant by your warning, or that it would be on the agenda at the next Board meeting.

THE WITNESS: Well, the next board meeting was in April and that point it wasn't going to be on the agenda because they had not --

THE COMMISSIONER: You haven't told me what happened, why it wasn't on the agenda, and what the conversation was.

THE WITNESS: The basis of the conversation was that --

THE COMMISSIONER: Was with whom, by the way?

THE WITNESS: With the Chairman and the President, was that they were still looking into it and --

THE COMMISSIONER: Looking into what?

THE WITNESS: Into the -- discussing it with the principles involved at the Sprint Center.

THE COMMISSIONER: Well, you were rather hesitant to put in writing exactly what was being on your mind. I am not being critical of that, but that was the situation. But wouldn't you tell, though, Mr. Ouellette and Mr. Wedmann exactly what was in your mind in a confidential way?

THE WITNESS: I think they were aware of what was in my mind and I was concerned about the use of steroids.

THE COMMISSIONER: Well, did you discuss --

THE WITNESS: What I didn't tell them was the person that had triggered my --

THE COMMISSIONER: Well, did you discuss it

with them before the meeting which was not on the agenda?

THE WITNESS: No, I did not, because that meeting was in Sudbury, and I happened to have missed the plane and didn't arrive there until after meeting had begun.

THE COMMISSIONER: Who told you the matter was being looked into?

THE WITNESS: Both the Chairman and the President.

THE COMMISSIONER: At that time, did you have give them further details of what your concern was?

THE WITNESS: No, I didn't pursue it. I felt they were aware of it and they were going to look into it.

THE COMMISSIONER: Well, if I read this letter and just assuming I know nothing about the background, I wouldn't realize it was steroids you were talking about. Did they?

THE WITNESS: Yes, I think they did.

THE COMMISSIONER: How do you know?

THE WITNESS: Because it was -- the subject of our discussions certainly dealt with that issue.

THE COMMISSIONER: That's after you wrote the letter?

THE WITNESS: Yes.

THE COMMISSIONER: Was that a telephone conversation or a meeting?

THE WITNESS: No, it was a conversation
5 after or during the Board meeting in Sudbury.

THE COMMISSIONER: I am not being difficult but by the time you got to the board meeting you knew it was not going to be on the agenda?

THE WITNESS: Yes, I did. And I think if
10 I recall, that's what prompted the discussion that we had about that issue that I was going to be -- I was concerned about it. And that's what led us into the discussion about --

THE COMMISSIONER: That they were looking
15 into the matter?

THE WITNESS: Yes.

THE COMMISSIONER: What did they say they were doing?

THE WITNESS: They were going to have a
20 meeting with Gerard, Charlie, and Jean Guy. And although it is written in Wilf's letter, they also implied at that time that he thought it would be good for Jean Guy and Gerard to speak to Charlie because of the relationship they had together. And therefore --

THE COMMISSIONER: Well, I see. It is
25

covered in the next letter, is it?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

THE WITNESS: I restated that in fact I
5 was aware in April that they were going to meet with
him --

THE COMMISSIONER: All right.

THE WITNESS: -- so that it could be done
in a way that would not be upsetting to him and to the
10 program at the Sprint Center.

THE COMMISSIONER: But you didn't tell
them, after all you were on the Board of the CTFA, these
are all friends of yours, Mr. Ouellette and Mr. Wedmann?

THE WITNESS: Yes.

15 THE COMMISSIONER: And you wouldn't tell
them in more detail the source of your information in a
confidential way; it wouldn't be in writing then?

THE WITNESS: No, I didn't. I suspect --
I assumed that it might be more appropriate for them to
20 pursue this issue in a general way, and rather than the
specific way, because I did not have -- and I think they
also asked me "Do you have any hard evidence?" And I
said "No, I don't, I don't have any evidence to suggest
that someone had actually seen it occur."

25 THE COMMISSIONER: I thought the coach who

was at the center gave you direct evidence --

THE WITNESS: Yes.

THE COMMISSIONER: -- as far as what was going on?

5 THE WITNESS: The coach's comments were very general about the environment and the --

THE COMMISSIONER: Use of steroids.

THE WITNESS: -- the use of steroids and banned substances in that environment. But they weren't specific enough for me to say, yes, he had seen somebody being injected --

THE COMMISSIONER: Did you suggest that they inquire into all the coaches, not just Mr. Francis?

THE WITNESS: Yes. That was certainly the intent of my letter.

15 THE COMMISSIONER: I see. All right. Go ahead, Ms. Chown.

THE WITNESS: That the investigation should be general into the operation of the Sprint Center. That way -- in that way it wouldn't appear as if we were on a witch hunt for a particular substance.

20 THE COMMISSIONER: I understand. All right, Ms. Chown.

MS. CHOWN:

Q. Just before we move on to Mr. Wedmann's
reply, can I ask you whether Mr. Mach, the National Coach,
was present at the Board meeting in April of 1988 in
5 Sudbury?

A. He wasn't present in any of the
discussions that I had with the Chairman or the President.

Q. Did you, however, have any discussions
with him either in the context of a Board meeting or
10 privately about this issue at that time?

A. No, I did not. He was at the Board
meeting, and I felt it was inappropriate for a Board
member to discuss this matter because in fact he reported
to the President. And it was the President's task to then
15 deal with the staff person who was directly involved.

You are correct in that instance it perhaps
was -- it was the Head Coach and the High Performance
Director.

Q. And if we could turn to Mr. Wedmann's
20 reply to you which forms the second part of Exhibit 248,
that is his letter of May 3, 1988. And that was sent to
you as President, care of the Ontario Track and Field
office on Sheppard Avenue. I take it you subsequently
would have received this letter, although you would have
25 been in Kingston rather than at the OTFA offices?

A. I think the letter did come to the --
it did come directly to the office and they forwarded the
letter on to me.

Q. So, this letter, a couple of things I
want to review with you. The first sentence of that
letter says:

"Dear Rolf,

Thank you for your letters [plural] re the
York Center."

In fact, had there been other correspondence
apart from your letter of March 18, 1988?

A. Not with respect to that issue, no. I
suspect he is referring to the letter that I sent to Jean
Guy as well as to him.

THE COMMISSIONER: Right.

THE WITNESS: A copy of the letter. But in
my -- there was only one letter.

MS. CHOWN:

Q. And rather than --

THE COMMISSIONER: What's the first line
mean?

"With respect to your request for
assurances that we will not be embarrassed,
I cannot give you such assurances."

What does that refer to? I am just reading the first line.

THE WITNESS: What I meant by that sentence?

THE COMMISSIONER: Yes. What did you take
5 it, it is not your letter.

THE WITNESS: Because I asked him that the Board should be able to receive some assurances from the head coach and from himself that the rules were being followed at the Sprint Center. And that if -- I think in
10 our discussion again in Sudbury we talked about --

THE COMMISSIONER: He says with respect to your request for assurance that we will not be embarrassed, I cannot give you such assurances. I am not sure what that means.

15 MS. CHOWN:

Q. Does that refer, Mr. Lund, to your point four in your letter of March 18, 1988 where you are requesting an assurance?

20 A. Yes, I -- in May, I guess, he was telling me that he could not give me the assurance that all the rules were being followed.

THE COMMISSIONER: All right.

MS. CHOWN:

Q. He mentions in that second paragraph on the first page of his letter that:

5 "We [presumably he and other members of the CTFA] sat down with the people at U. of T. who appeared to have been very vocal on the subject."

And the subject, I take it, is the York center and doping.

10 "The U. of T. coaches were asked whether they have any evidence to back up their stories or whether they had any personal knowledge which they would be prepared to swear to before a hearing."

15 Prior to receiving this letter from Mr. Wedmann, were you aware that there had been some concerns expressed to the CTFA, and, in particular, to Mr. Wedmann by coaches at U. of T.?

20 A. I believe in late April I was aware of that meeting, but it was -- it was not -- I knew there was a meeting at U. of T. but I was not able to ascertain as to what the topic was until I received this letter.

I only suspected that it was concern being expressed by the coaches at the University of Toronto.
25 And I had a feeling or a suspicion that it was perhaps on

the same issue, but nothing -- I didn't know who was at the meeting, but --

Q. Did you find out this reference to a "meeting at U. of T." as part of the agenda of a Board meeting or did you find out about it in conversation with CTFA board members?

A. No, I believe that was through -- there was a report that a meeting had been held at the University of Toronto. I think that would have been in the June Board meeting.

Q. But prior to that date, you as a Board member were never made formally aware that concerns had been expressed by the U. of T. coaches about the York center?

A. No. I suspect I might have been more aggressive in my letter of follow up had I realized that there were also concerns at U. of T.. Having not been aware of that --

THE COMMISSIONER: The U. of T. were concerned about what was going on at the York center, not on their own center. We have heard -- Mr. Higgins has already testified.

MS. CHOWN:

Q. Yes, I think, Mr. Lund, are you saying

that combined with the information that you now had, if you had been aware that your concerns were shared by Mr. Higgins and others at U. of T. you might have pressed more aggressively in your letter of March 18, 1988?

5 A. Yes, I think so.

THE COMMISSIONER: I see.

MS. CHOWN:

10 Q. What form or what specifically would you have done differently?

A. I suppose at that point I would have brought it up at a Board meeting specifically identifying the concerns that had been raised in a major center of the CTFA. And that up to that point, I felt that perhaps I was the only one that had taken a step in terms of writing a letter asking for something to be done.

THE COMMISSIONER: Thank you.

20 THE WITNESS: So, not being aware of some of the other concerns that had been -- overtures that had been made to the CTFA, my feeling was that perhaps no one else had the same concerns.

MS. CHOWN:

25 Q. Going on to paragraph three of Mr. Wedmann's letter, he indicates:

"I was not given a positive response to either request. The same offer was made to coaches with respect to their athletes. To date, nothing has been presented to me to permit me with cause (some evidence - not hearsay, rumour, etc) to launch an investigation in accordance with our rules."

I just want to be clear here, had you by May 3rd advised Mr. Wedmann in any general way about the information you had received from the coach at York?

A. No. And again at that point the individual concerned was negotiating a full time job and I was concerned that --

THE COMMISSIONER: No, that wasn't the question. We know you didn't name the coach. Did you tell him the exact information you had that the coach had given -- had provided you with?

MS. CHOWN:

Q. As Mr. Wedmann is simply saying "I don't have any information" --

A. I don't think there is any doubt in either Mr. Wedmann's mind or Jean Guy's mind what my concerns were.

THE COMMISSIONER: I see.

THE WITNESS: I can't recall saying exactly that I think they are using steroids or steroids are present there. I don't recall saying that, but --

THE COMMISSIONER: But you assume they knew what you were talking about?

THE WITNESS: Yes.

THE COMMISSIONER: Was that as a result of an assumption or as a result of anything they said? When you were told they were looking into the matter, I guess then they did not tell you what they were looking into?

THE WITNESS: I simply assumed that that was --

THE COMMISSIONER: I understand. Yes, Ms. Chown.

MS. CHOWN:

Q. The next paragraph Mr. Wedmann refers to Gerard, who I take to be Gerard Mach and Jean Guy being Mr. Ouellette and indicates that he has asked them to speak to Mr. Francis about these rumours and stories.

Were you ever provided with any information as to whether such a meeting with Mr. Francis took place and if so what the results are were?

A. No. Well, I guess one of the reasons there was difficulty getting the group together was that

this was a time when the sprint group were travelling in Europe and they were not -- I am trying to think of the places they were -- but there were few instances where they were in Toronto for any length of time.

5 And the summer of '88 was a busy period. And I guess the only follow up was sort of subsequent to Seoul when I questioned the Head Coach to ensure that in fact that something had been done, that he had been approached by the President, in which he replied "yes, he had."

10

 Q. We are going to come to that later because that in fact is reflected in some subsequent minutes. But just staying to your knowledge in and about the spring of 1988, you did not know what steps if any had been taken with respect to a meeting with Mr. Francis at that point?

15

 A. No. And I suspect based on the letter that nothing had been done as of May the 3rd. I think the reason for it was the inaccessibility or unavailability of the principles.

20

 Q. Finally, I note as the first sentence of the last paragraph on that page that Mr. Wedmann makes a personal request to you, and I quote:

 "Rolf, if you have any personal knowledge of any wrongdoing by any member of our York

25

Centre, please present it to me immediately and we will follow due process. If any of the people with whom you spoke have any evidence of rule infractions or are prepared to swear that they have personal knowledge of such, please ask them to contact me so that we can pursue these allegations according to due process."

Did you provide him with any information in response to that request?

A. No, because I thought I did not have any hard evidence other than the information that was given to me generally by the York coach.

Q. Now, you referred earlier to some further investigations that you made following the Seoul Olympics in September of 1988, but prior to getting to that Board meeting, were there any other pieces of information that you received about activities at the York Center or any other observations you made yourself following May of 1988 up to the Olympics that you drew to the CTFA's attention concerning doping?

A. Not really; no, I don't think so. It was also a busy summer for me because there was -- that was the summer of the World Juniors in Sudbury. And at that time I think I spent a total of 32 days in Sudbury

for a variety of events and occurrences. So, I was not --
I suppose my priority of things to do did not relate to
seeking out further information. And I was involved as a
chef for the World Juniors and the other people were
involved in preparing themselves for the Olympics Games.

Q. Were there any other Board meetings of
the CTFA following the one that you have referred to in
April of 1988?

A. I believe there was one in August which
I was not able to attend.

Q. And do you have any information as to
whether any further matters were raised at that meeting
with respect to this issue?

A. Not to my knowledge.

Q. If we could move to the Board of
Directors' meeting of the CTFA that was held in October of
'88, and I believe the dates on that were October
23rd-24th?

A. Yes, I believe so.

Q. You have provided me with an excerpt
of the minutes of that meeting that refer to these issues
we have just been discussing.

Mr. Commissioner, I would like to put that
before you.

THE COMMISSIONER: Has Mr. Bourque seen

these?

MR. BOURQUE: Yes, sir.

THE COMMISSIONER: Thank you.

THE REGISTRAR: 249, Commissioner.

5

--- EXHIBIT NO. 249: Excerpt of Minutes from the CTFA
Board of Directors Meeting held in
October, 1988

10

MS. CHOWN:

Q. Mr. Lund, the first item on Exhibit
249, which is page 9 of the Minutes of that October Board
meeting, refers to a question that you raised at that
meeting to the Head Coach, Gerard Mach.

15

If I might just read the question, it is
"What directions did former President and
Chief Executive Officer Wilf Wedman give you
regarding concerns raised as to the
operation of the York Sprints Centre and the
alleged use of banned substance by athletes
and coaches at that centre?"

20

That, I take it, was as a direct response to
your letter and Mr. Wedmann's reply?

25

A. Well, at this point, this part of the
Board meeting was devoted to a section that we refer to as

Directors' concerns. And we as -- the Board had asked for and wanted an opportunity --

THE COMMISSIONER: Well, this is -- excuse me. This is quoting you from the meeting.

5 MS. CHOWN: Yes.

THE COMMISSIONER: Yes. So, you are -- who is the "you"? "What directions did former President give you", who would that be, do you know?

10 THE WITNESS: I was referring to the Head Coach and High Performance Director, Gerard Mach.

THE COMMISSIONER: Thank you. Go ahead.

15 THE WITNESS: And during the questioning, I was concerned that at this stage I wanted to be assured and I wanted it recorded in the Minutes that some follow up action actually did occur.

20 And I believe that's what prompted my question because at that point I really had not really been informed, did meeting take place, had they discussed it with the Sprint Center. And the answer that is provided is to suggest "yes, it was discussed" and the answer that was given would perhaps again suggest why I may not have been as willing to pursue it individually, because Mr. Francis had denied the allegations, demanded proof and threatened court action.

25 That was probably a fairly standard answer

to any type of challenge or question or query. There was always that threat of legal action unless you could prove it.

5 So, the sport has been -- in the past we have had a number of instances where individuals have been taken to court without -- with having made statements that they could not back up. And that was the response that Gerard Mach gave to the meeting when he approached Charlie Francis about that.

10

15

20

25

So having heard that, I felt at that point, yes, Gerrard had asked the question, had, I'm assuming, investigated it along with Wilf Wedmann, and Charlie's response assured them that there was no wrongdoing taking place.

5 Q. When you say you knew or understood that Mr. Mach had asked the question, and you assumed that he had investigated the matter, what information did you have to suggest that any investigation had been carried out?

10 A. I don't know what investigation had taken place, but they had pursued the matter to --

 THE COMMISSIONER: Well, I think the answer is here, Ms. Chown.

 MS. CHOWN: It says where Mr. Mach assured
15 the meeting or indicated to the meeting --

 THE COMMISSIONER: Excuse me, please. They just carried on in the next paragraph. The answer is there. Go ahead. Mr. Mach confirmed the meeting. This is apparently the minutes of what occurred at this
20 meeting; is that right?

 THE WITNESS: Yes.

 THE COMMISSIONER: I am sorry to interrupt you, Ms. Chown.

25

MS. CHOWN:

Q. No, that's fine. I simply wanted to pursue with Mr. Lund whether Mr. Mach had instituted any other investigation apart from meeting with Mr. Francis, to your understanding?

A. Yes.

Q. That he had investigated it and he advised the meeting of his conclusion that there was --

A. That's right. I did not pursue what form of investigation took place. I simply asked that he -- my two letters followed up and asked Gerrard specifically did they act on the letters that I had written. The second point was that I assumed that the issue had be acted upon, and his reply was "yes".

THE COMMISSIONER: Mr. Mach said that he felt assured that no illegal actions had taken place. That's his report, is it?

THE WITNESS: I can only assume that Charlie Francis assured him or the head coach was assured that they were following the rules.

THE COMMISSSIONER: I see.

THE WITNESS: Whether he asked him a question and got an answer or whether he asked other people, I don't know.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. Have there be any further discussions that you've been part of either within the OTFA or as a member of the CTFA Board of Directors as to how such
5 allegations might be handled in the future should they be raised again either by athletes or coaches or centers?

A. I think there are probably a number of avenues that, having gone through this process now, people involved in the sport would probably do differently, and I
10 suspect for many of us it was a first exposure of a problem of this magnitude, and I would guess that they we now understand the legal process much greater. We also understand the powers of an investigative body, and I think, yes. I think probably -- I would hope that
15 everyone involved has learned from this error and that mistakes like this won't occur in the future; but there is no question about a degree of uncertainty as to what was an appropriate type of action. I know personally that there were moments of difficulty on how to deal with it,
20 and I think now certainly those options are much clearer.

Q. Can you tell us what you consider those options to be now that would be available to the CTFA?

A. I suppose the use of an investigative body which was begun following the Seoul Olympics in which
25 athletes quite willingly, not all, but many came forward

and expressed their concerns. Hindsight being valuable, I suppose that hindsight, had we done that earlier, we might have got information from certain athletes who had expressed concerns publicly.

5 Again the athlete Mike Dwyer, who made a statement to the press and then retracted it, again that incident in isolation appears as if, well, he didn't really mean that, but in actual fact perhaps he was asking for some support in that situation from the sport, and the sport did not respond to that. I think instances looking
10 back, putting them together, would -- just that there were a number of instances like that where perhaps something could have been done, and I include myself as being responsible for initiating that as anyone.

15 THE COMMISSIONER: This Exhibit 249, is there a date for this meeting because it's not headed or anything else.

 MS. CHOWN: It is the CTFA Board of Directors meeting held October 23rd to October 24, 1988.

20 THE COMMISSIONER: I'm sorry. I didn't mean to interrupt.

 MS. CHOWN: That's fine.

 MS. CHOWN:

25 Q. With respect to one specific matter, do

you feel it would be of assistance in the future if concerns about possible doping infractions were expressed to individual members of the CTFA Executive or Board of Directors, that those matters be brought before the whole Board?

A. I think at the present time there is now, if allegations are made, there is a committee that can look into that and to invoke a test based on allegations. Again I suspect --

Q. Is that some change that has been made following the events of Seoul?

A. Yes. I believe -- I'm not sure what the wording of it is -- but there is a committee. If there is a tip that somebody suspects somebody, that could be passed on to a committee who will look at it, evaluate it and then make a recommendation to the Doping Solutions Committee. That process wasn't available, and certainly it wasn't one that it was possible to follow prior to 1988.

Q. Mr. Lund --

A. I guess the other point you mentioned about -- at the Board of Directors level, probably the magnitude of the problem would only have been brought to us if the staff had felt that there had been a number of allegations, and so I think the Board, had it been aware

of that, probably would have perhaps invoked something.

But these things did not come to the Board in terms of a global, collective kind of problem, and as a result, it wasn't inappropriate to bring individual
5 complaints. They did not come to the Board. So as a Board member, I did not really know the extent to which concerns were being expressed through various avenues to the staff, through the coaches and so forth.

Q. The mechanism you've now described
10 that's been instituted by the CTFA is designed to ensure that those concerns are recorded and addressed?

A. That's right. The person making the allegation isn't identified, and it's handled by a committee, so therefore the athlete is not aware what
15 someone has sort of expressed a concern about it.

Q. Mr. Lund, I'd now like to turn to a different matter, and that is with respect to two motions that were passed by the Ontario Track and Field Association Board of Directors in March of this year. You
20 have provided to me, as we have received earlier at the Commission, a letter setting out a report on the circumstances around the passing of these motions. That is your letter of April 10th, 1989.

THE REGISTRAR: 250, Mr. Commissioner.

--- EXHIBIT NO. 250: LETTER DATED APRIL 10, 1989.

MS. CHOWN:

5 Q. If I could ask you first of all, Mr.
Lund, to tell us what the two motions were that were
passed, and then perhaps we can go back and hear from you
what led up to those motions.

THE COMMISSIONER: Well, do we have a copy
of those motions?

10 MS. CHOWN: Yes, they are set out, Mr.
Commissioner, starting at page 2 -- this is copied on both
sides -- page 2 of this letter.

THE COMMISSIONER: Well that just gives the
effect of it. I don't think that's the actual resolution.

15 MS. CHOWN: Let me just speak to Mr.
Buckstein.

THE COMMISSIONER: Maybe it is.

20 MS. CHOWN: Mr. Buckstein advises that the
letter does incorporate the actual wording of the motions.
He does have copies of minutes of the meeting.

THE COMMISSIONER: I'm sorry. This is the
exact wording of the motions, is it?

MR. BUCKSTEIN: Yes, it is.

THE COMMISSIONER: Go ahead, Ms. Chown.

25

MS. CHOWN:

Q. If I could direct your attention, Mr. Lund, to page 2 of your April 10th letter. The first motion passed by the OTFA was with respect to Mr. Francis, and can you tell us what that was?

A. The motion that was passed at that regular Board meeting was to deny membership in the OTFA to Charlie Francis for a period of five years commencing April 1, 1989, and terminating on March 31, 1994.

Q. The second motion which is found at paragraph (b) at the top of page 3 is with respect to recording of Ontario Records. What was that motion?

A. This motion was passed with respect to performances achieved by an athlete who either admits to using banned substances or practices or has been found to have used banned substances or practices during or prior to the time in which the performance was established and that such performance be stricken retroactively from the list of Ontario Records as recognized by the Ontario Track and Field Association.

Q. Those two motions, as I indicated earlier, were passed by the Board at its March 31st, 1989 meeting?

A. Yes.

Q. I'd like to deal first of all with the

motion that refers to Mr. Francis. First of all, the wording of it indicates that he is to be denied membership commencing the day after the motion was passed, that is, April 1st, 1989. Was Mr. Francis a member of the OTFA at the time you had your meetings or indeed at any other time?

A. I don't think he was a member, and therefore we could not suspend him. I think the wording was very explicit in that we denied membership to him because in fact you can't sanction someone who is not a member of your association.

Q. I would ask you to advise us as to what discussion and what rationale the Board had with respect to this motion and indicate to you at page 3 of your letter, point 4, you summarize some of that.

A. Well, the motions did not pass frivolously, and I believe the meeting started at 7:30. There were other items of business, but I think the meeting included at about 3:30 in the morning, so there was a considerable amount of effort and thought that went into it; but we felt that in his testimony he had exhibited a complete disregard for the rules, that it was in such opposition to what the sport stood for. His attitude that he expoused towards the use of anabolic steroids as a coach was so contrary to our rules that we

were concerned that again public opinion was being shaped by his testimony, and the manner in which it was being presented to the degree that we felt our coaches, our clubs, our athletes, were beginning to examine this, and I suppose the wrong message again was being sent out. I say that because each of the Board members again represent the six regions, so they come from all parts of the province. I do not believe there was much of a dissension, although we discussed the ramifications of it, but it was the unanimous vote on behalf of the Board to pass that motion.

Q. Tell us, please, what the thinking was with respect to the Ontario Records motion?

A. There again, I think we felt -- this was a point where there were no rules in the book to cover this type of a situation.

THE COMMISSIONER: There never had been; isn't that right? There never had been?

THE WITNESS: No, there were no rules to cover an admitted user. However, clearly they admitted to having cheated, and I mean it's very difficult to equate that, but these individuals had received benefits on the basis of performances they had made under the support of banned substances, so in fact they had cheated. Other athletes had been denied access to programming and been denied access to making national teams, and so forth, on

the basis of having finished second or third. So we felt some obligation to these individuals.

The third area was that younger athletes looking at the event that they might be in would sort of see and compare their ability to perform based on a drug-enhanced performance. So we felt it inappropriate that athletes who do admit to having used banned substances that they should continue to enjoy the benefits of those particular performances.

Q. On page 5 of your letter, point 6, you indicate, and I quote:

"It is important to note and I wish to emphasize that we do not intend nor did we intend when we passed the said motion to produce an updated list of Ontario Records until such time as you [referring to the Commissioner] have produced your final report."

I take it that remains a direct statement. Have there been any alterations?

THE COMMISSIONER: I don't understand that. The motion is passed. What's the significance of paragraph 6?

THE WITNESS: I think what we --

THE COMMISSIONER: I don't understand it,

Ms. Chown.

THE WITNESS: The principle that we passed was a motion in principle, and the process -- we had not dealt with in that evening how we would go about that because there are many ramifications of it, one which we passed at the subsequent meeting, the next meeting which was on the -- just as an example, the May 12th Board meeting, we clarified the intent of that motion to suggest that it would -- we added a two-year suspension period from the time that the athlete had admitted to using the banned substance so that that two-year period would in fact imply the equivalent of a two-year suspension. So in terms of process, we had not resolved how we were going to do it.

THE COMMISSIONER: In other words, it was threatened to take more disciplinary action. Apart from the motion, you also said there would be a two-year suspension; is that what you mean?

THE WITNESS: Yes. The exact wording of the motion would read:

"Any performance achieved by an athlete from the time the athlete first used the banned substance or practice up to and including a period of two years after the athlete last used the banned substance or practice, that

the performance would be ineligible for
record purposes."

THE COMMISSIONER: Well, then, perhaps when
when the period of time expires?

5 THE WITNESS: Any performance made after
that two-year period would then be eligible to be
considered, but any performances --

THE COMMISSIONER: Oh, I see, within two
years of the admission?

10 THE WITNESS: Yes.

THE COMMISSIONER: I see. Thank you.

MS. CHOWN:

15 Q. Did the Board of Directors give any
consideration to deferring these motions until the
determination of this Inquiry?

20 A. Yes, I think they did. We as an
association had not received any direction from the
Inquiry as to what we should or shouldn't do, although I
believe the CTFA had been told. We still felt that the
motion would not impede the workings of the Inquiry, and I
think again athletes who appeared subsequent to that
didn't change, to my knowledge, their testimony because in
fact the provincial record probably --

25 THE COMMISSIONER: You don't know the

circumstances, Mr. Lund.

THE WITNESS: I beg your pardon.

THE COMMISSIONER: You don't know the
circumstances of what transpired as a result of this
5 motion. The witnesses that you refer to had already given
statements to the investigators at that time. They were
called, but we had their statements in advance.

Go ahead, Ms. Chown.

MS. CHOWN: That's all I intended to ask
10 Mr. Lund with respect to these matters.

THE COMMISSIONER: All right.

MS. CHOWN:

Q. Mr. Lund, finally I'd like to turn to
15 the question of the future, if I might. You've had long
experience in the field of track and field in many
different capacities, from coaching to administration, et
cetera. You've also taken some time to reflect on sport
organization and the lessons that may be there to be
20 learned from the events that we've gone through.

I'd like to ask you, if I could, what your
views are and recommendations might be with respect to
sport for the future, first of all on the organizational
level, and ask you for your comments as to what role you
25 believe should be played by such bodies as the government,

the clubs, the national sporting organizations and the provincial sporting organizations?

A. I think the sport has to first of all have the will to want to enforce the rules, and in that instance, I think they need to be supported by government and government agencies such as Sport Canada, in this respect. It has to sort of do with a very fundamental, philosophical belief that I think is espoused by young children when they play.

I must admit that during this whose process it was a very emotional experience for me, and I'm sure for anyone who is involved with the sport of track and field, to see the sort of demise of something that they had devoted a considerable of time to, and I'm not including myself here, but everybody that was associated with the sport, that a number of individuals had been allowed to reach a stage, to operate in a vacuum where they basically became more powerful than the sport governing bodies themselves.

Because of that, I had spoken to a number of school groups. I felt disturbed, because I also exuded the same enthusiasm for the Olympic Games and the Olympic movement that these children had prior to these games. When this occurred, I felt a little embarrassed to go back to these school children and explain to them what had

happened. What I did was go to the schoolyard, and I watched the kids playing in the schoolyard, and in actual fact the kids exuded the very basic principle that I think is important, that if somebody cheats you on the schoolyard, you don't play with them. The kids solve that right away. They just did not play. "You cheated. I'm not going to play with you."

So I sort of thought, well, that basically is what we have to do. If other countries wish to pursue the use of drugs and banned substances, we have to stop playing with them. That is going to hurt us for a while, but I think that we have to be prepared to do that.

Q. When you say that "we have to stop playing with them", does that include stopping participation in such international events as the Olympics?

A. I guess if you believe in the issue strongly enough, yes, that's what you're saying. If you're not prepared to do that, then I don't think you really have a strong philosophical view of what the sport should be.

I guess the second point, then, that goes from that, I guess my view is that government should be responsible for the health and fitness of the nation and perhaps less involved in the delivery of competitive sport

and certainly at the high performance level. So to me, the government's role should be one of being concerned about the health and fitness rather than how we perform internationally. That becomes a responsibility of the sports governing body. So this really means, I think, a
5 fundamental change in the approach to development of sport in this country.

THE COMMISSIONER: Well, how would that affect the funding, because all the sports federations are
10 supported financially by Sport Canada?

THE WITNESS: It shouldn't affect them any different than it does now. I mean, the government should be concerned with --

THE COMMISSIONER: Well, what intrusion is
15 there by Sport Canada into the operation, say, of the Canadian Track and Field Association?

THE WITNESS: Well, I think the monies that they allocate are restricted to certain programs. There are criteria that are attached to these programs which
20 indicate how the money can be spent, where it can be spent. I guess what I'm saying is that when this occurs, it's very easy for government to fall into the trap of beginning to dictate policy. To me, it would make much more sense --

25 THE COMMISSIONER: I just want to follow

through. You're not saying that there should be no more government funding of national sports?

THE WITNESS: I'm certainly not.

THE COMMISSIONER: But you are saying that money should be granted without any strings attached?

THE WITNESS: No. There should be some overview of how it's being spent and obviously following general criteria, but not to the specific degree of where that money is directed. Government should be supportive of sport, but not legislate --

THE COMMISSIONER: Well, can you give me some specific example? I'm interested in what you have to say, but you have to be more specific, I think. Let's assume the government gives X dollars a year to CTFA.

THE WITNESS: Okay. Let's use a good example of the -- we had a gentleman speaking to us on the CIAU, and it's an area I'm familiar with.

The government says here is so many thousand dollars to support high performance sport, but you must spend it in these three areas. One of them might not be a CIAU sport. The sport governing body then doesn't have the opportunity to say, well, we would rather spend it in furthering the interest of the World Student Games; so that type of interference or involvement in the direct allocation of funds.

So I guess my solutions aren't -- I mean, if I had all the answers, I'd be doing something else than perhaps sitting here now. So there is no question that all sports -- and the emphasis seems to be -- in the approach to '88, the focus of the mission statements of most sport governing bodies dealt with gold medals. I guess what I'm suggesting is that -- and I spoke, when that mission statement was formulated, against the concept of gold medals because it would lead to, in many cases, failure because there are so few gold medals that are awarded, and that we were trying to suggest that perhaps the top 16 or the top 8 to make the Olympic final was a reasonable and a very, very valuable objective.

So the emphasis I think should switch away from wining at all costs, and when you say "gold medal", I guess as a coach who has an aspiring athlete, you then kind of read into that all kinds of things that perhaps sport and the government didn't really intend. So the danger is when you say "gold medal", all right, the coach then says, "Well, what do I have to do to achieve a gold medal?" Somewhere in the process, the communication element is left out and the coach assumes, well, if I get a gold medal, all will be forgotten. So I think that message was a little bit clouded and hopefully the message could change to --

THE COMMISSIONER: Who's message is this
you're speaking of?

THE WITNESS: Well, I think as a sport you
identify gold medals as your mission.

5 THE WITNESS: No, I understand that. I'm
just saying, the mission, was that a CTFA objective?
Yes, it was a CTFA mission statement that was formulated
between 1984 and 1988.

THE COMMISSIONER: I understand.

10 THE WITNESS: So I think that gave to
perhaps all coaches a wrong impression of what the sport
was all about, and that perhaps areas such as
participation, facility development and coaching might be
areas in which funding could be more closely or better
15 directed. The problem with these areas is that they don't
produce results quickly and therefore perhaps are less
attractive to government to become involved in, to
allocate funds for.

20 MS. CHOWN:

Q. Do you have any views on the carding
system as it exists, Mr. Lund, and whether you would see
any changes made in it?

25 A. I think that system, again, needs to be
looked at in the sense that it again presented unrealistic

performances that athletes had to sort of aspire to. I'm
sure I'm not alone, but many people have concerns that the
standards that apply to athletes were such that they were
compared and they were developed with performances in the
5 world that had been perhaps achieved without testing, so
therefore they may have been tainted, and therefore again
we were asking our athletes to do something, to try to
achieve something that was unrealistic for them.

10 THE COMMISSIONER: Well, even if they had
the test and proved a negative finding, it would not mean
they were not on steroids?

THE WITNESS: I think world lists would
not -- the development of sort of the top athletes in the
world --

15 THE COMMISSIONER: But realize now that the
fact that there is no positive finding at competition
testing isn't very significant.

20 THE WITNESS: No, and I think the fallacy
was that comparing performances made in untested meets
were being used to formulate the standards --

25 THE COMMISSIONER: No, but I'm talking
about tested meets and the fact that they were testing at
meets internationally and perhaps nationally, and there is
no positive finding, doesn't mean that the athlete is not
on steroids. You know that by now.

THE WITNESS: No. I suspect again prior to the Olympic Games, I certainly was not as familiar with the whole process, and I don't think the sport was either. Now it is certainly apparent that the testing process had many, many loopholes in it, most of which none of us knew about.

THE COMMISSIONER: So the point you are making, though, of setting standards for Canada as against world standards is not safe because some of these were set without tests; but, with respect, it doesn't matter whether there were tests or not. All those records may be suspect, even though the athlete is not found negative, was not found to have a positive finding in his urine?

THE WITNESS: Still with that knowledge now, I think you could set standards which would reflect what you would consider to be --

THE COMMISSIONER: Well, I don't know how you are going to do that. You are assuming that a person who has set a world record and has not had a positive finding after competition was a person who was not on steroids. We don't know that.

THE WITNESS: Well, it may not just be steroids. I think other events --

THE COMMISSIONER: I'm talking about any other banned practices or substances, that's right.

Go ahead.

MS. CHOWN:

Q. Mr. Lund, you've also talked in some
5 material that you have published about the advisability of
setting up something that you call the "National Advisory
Council for Sport" to act in a similar function as the
Canada Council for the Arts. Could you expand on that
idea?

10

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A. Strangely enough, that advisory council existed and it was when Bill C-131 was passed in '61 to sort of create the Fitness and Amateur Sport Department, there was an advisory council. And it was instituted, I think, with the same forethought that makes it even more sense now.

But, in fact, it was at a stage when Canadian sport was in a developmental stage and it was probably too soon for that council to exist. And it gradually became less involved and finally was dropped from the scene.

And that council was made up of a cross section of the community: Physical education teachers, citizens. It reflected sort of a cross section of the Canadian community and also with some knowledge and also with some expertise.

What I am suggesting is that that type of organization now could play a meaningful role and that it would place the government at an arm's length from the sport itself.

THE COMMISSIONER: Would it replace Sport Canada in so far as Sport Canada is the funding agency of the government?

THE WITNESS: I would think that this advisory council would be somewhere between Sport Canada

and the sports governing bodies.

THE COMMISSIONER: I see.

MS. CHOWN:

5 Q. Following along from that, you would see the national sports organizations as playing a more independent role in determining where their funds would be directed, notwithstanding that those funds have their ultimate source as the government?

10 A. Yes, I think the autonomy of sport is important to maintain. And I feel that the appropriate agency is the sports governing body.

15 Q. What relationship or changes in relationship do you see between the club structure that we referred to early on in your testimony as the being cornerstone of the OTFA, the club structure, and the sports governing bodies?

20 A. I see the club -- I mean, we should put in place programs that would strengthen the club structure because it is the essence of track and field in Canada and also the essence of most sports. And, therefore, we should put into place those things which would strengthen it.

25 And even to the degree that perhaps athletes competing at national championships and in some

international meets should perhaps represent their clubs. But, in fact, now what happens when a team travels they represent their country, but it may very well be that it should be their club uniform they should be wearing and perhaps only in the Olympic Games would they wear the national team.

So, I think elements like that strengthens the impact and the importance that the club would have in terms of these athletes developing.

Q. When you place importance on the clubs, is that also removing some of the emphasis solely on elite sports and moving to a broader base participation?

A. I think one of the fallacies we sort of suggest is that we don't need a broad base. I think in a country like Canada we do need a broad base, but we also need when athletes are identified and they have the talent and the ability they should be able to move through that system very quickly. But the strength of your sport is based on sort of a broad participation level that allows -- that allows these athletes and these people to move through.

Q. Mr. Lund, I believe that you set out many of these ideas in an article that was published in the Globe and Mail June 16th of this year.

Mr. Commissioner, it might be of assistance

to you to have that article.

THE COMMISSIONER: All right. We have it in our files, but we could put it here, too, if you like. Thank you.

5 I thought it was a thoughtful article, Mr. Lund.

--- EXHIBIT NO. 250: Article by Mr. R. Lund published in the Globe and Mail June 16, 1989.

10 MS. CHOWN: I will give it to you, Mr. Lund.

Those are all the questions I have for Mr. Lund.

15 THE COMMISSIONER: All right. Thank you. We are just going to take a short break.

We have discussed with counsel the order in which they want to proceed.

MS. CHOWN: Yes.

20 THE COMMISSIONER: I see that we have some faces that have returned.

We will just say a few minutes.

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Buckstein.

5 --- EXAMINATION BY MR. BUCKSTEIN:

Q. Mr. Lund, I would just like to take you back to one administrative matter that was handled at the outset when you were talking about the function of the Ontario Track and Field Association.

10 We touched on very lightly this morning the Ontario Athlete Assistance program, which is effectively the Ontario equivalent of the national carding program.

I was wondering if you could just perhaps expand upon on that program as it stands in the province of Ontario related to track and field, how the gold cards and the silver cards are established and what that classification means to those who receive it?

15 A. Well, there is a criteria set out by the Ontario Track and Field Association that requires that the athletes compete in certain events. And there are points awarded on certain major events such as national championship, provincial championships, and they must participate in provincial championships to be eligible. So, it enhances those competitions.

25 Once the point system has been assigned,

athletes are selected on the basis of a point system. They cannot be in the receipt of carding money from the Federal -- from Sport Canada, and they cannot be on scholarship to the USA.

5 So, in the sense that they are not athletes that are already being funded from the usual funding sources.

10 If they are eligible for a gold card, they received \$1,000.00 towards training and competition expenses, plus up to \$4,000.00 in tuition fees. And if they have a B card, they get \$500 towards training and competition expenses.

15 And at the present time, the OTFA has 38 gold cards, and eight silver cards in which they can assign to various athletes.

 Q. I would like to draw your attention to Exhibit No. 246, which was the excerpt from the rules from the International Amateur Athletic Federation.

20 Mr. Commissioner, specifically I am looking at page 102, which is the second page of Exhibit 246.

 THE COMMISSIONER: What page is it in the book?

 MR. BUCKSTEIN: Page 102 in the book.

25 THE COMMISSIONER: Thank you. I have it. Thank you.

MR. BUCKSTEIN: I would just like to clarify from this morning because I believe it was the impression left this morning was the fact that there was no procedure in the IAAF rules for random testing.

5 In fact, Mr. Commissioner, you will note the section on page 102 which has the double line down the left margin, that double line indicates a new provision in the rules which is first appearing in the IAAF rule book in this particular edition.

10 And you will note in paragraph five, the subparagraph beginning:

"It is a condition of Membership of the IAAF that a Member includes within its constitution:

15 (i) a clause which obliges that Member to conduct out-of-competition doping control, a report of which must be submitted to IAAF annually."

20 THE COMMISSIONER: That's on paper, Mr. Buckstein, but in fact it is not being implemented very much. It wasn't being implemented at that time at all.

MR. BUCKSTEIN: I believe the question this morning was whether or not there was a provision for random testing. And the answer given at that time I believe was a negative.

25

THE COMMISSIONER: All right.

MR. BUCKSTEIN: I just wanted to show that, in fact, the rules did provide for random testing.

THE COMMISSIONER: All right. Thank you.

5 MR. BUCKSTEIN: That's as of January 1988.

MR. BUCKSTEIN:

Q. Now, Mr. Lund, I would like to take you back to the incident in '84 when you were involved with the investigative committee at the request of the Canadian Track and Field Association investigating the circumstances with respect to the B-12 and alleged steroid injections by one particular coach.

10
15 Exhibit 247 was the report that you had sent out to the OTFA, clubs, coaches, and Board of Directors. And I understand that in sending out that report, part of your reason for sending it was that the breadth of the recommendations made by yourself as well as the two other committee members, the investigative body members, that those recommendations were wide ranging and yet they seemed to have been left by the wayside by the time the CTFA press release came out. Is that correct?

20 A. Yes, it is.

25 MR. BUCKSTEIN: And I note, Mr. Commissioner, I have in front of me a copy of that report

from the OTFA investigative committee, which I believe is not going in as an exhibit. However, I would like to just review with Mr. Lund the breadth of the recommendations.

THE COMMISSIONER: Yes, go ahead, please.

5

MR. BUCKSTEIN:

Q. One of recommendations was that the particular coach would be suspended for a period of three months effective December 5, 1983.

10

A second recommendation was that a severe reprimand would be recorded on his personnel file with the OTFA and CTFA.

15

Thirdly, that effective December 5, 1983 for a period of two years, that this particular coach not be allowed to be a part of any Canadian or provincial team, delegation; would not be able to receive any financial support to attend any coaching symposiums, clinics, meetings, or the like; would not be invited to speak or be given financial support to attend as a coach any certification courses in the country. He would not have printed any article in any periodical that is produced by the CTFA or any of its branches. And he would not be eligible to sit on or attend any committee organized by the CTFA or any of its branches throughout Canada.

20

25

That is correct, Mr. Lund, that those were

the recommendations?

A. Yes, they were. And a suspension of three months was deemed to be not career endangering but one -- the fact that the suspense would have suggested that there was some visible form of sanction.

Q. I believe you told me earlier that in fact part of the frustration on the part of the Ontario Track and Field Association was that having considered such a wide ranging list of recommendations and recommending them that, in fact, all that happened was basically that the matter was dropped as far as the OTFA was concerned?

A. As far as we were made aware of, yes.

Q. Okay. I would like to draw your attention to Exhibit 248, which is your letter of March 18, 1988 to Mr. Ouellette and Mr. Wedmann, specifically paragraph 3 therein.

In that paragraph you talk about the fact that, and I am quoting:

"It has recently been of an increasing frequency that athletes, coaches and administrators have expressed their concern ..." and it goes on.

Now, I understand that specifically what these athletes, coaches, and administrators were concerned

about at that point in time was in fact the dramatic
change in the physique of both Mark McKoy and Desai
Williams from the time of the Rome 1987 World
Championships at the end of the summer in 1987 through to
5 the first indoor meet in January of 1988, the Hamilton
meet; is that correct?

A. Certainly those were the two most
visible and most frequently mentioned names. And it again
extended not just to coaches and athletes, but a number of
10 individuals who followed the sport of track and field
commented on that very fact.

Q. Now, the coach that you indicated that
you spoke to immediately prior to sending this letter in
March on the 18th, I believe you said it would have been
15 March the 14th-15th weekend that you spoke to a coach from
York.

Just to clarify, that coach was not a sprint
coach; is that correct?

A. He was not a sprint coach, no.

20 Q. But it was a coach at the York center?

A. Yes. He was employed by the CTFA, and
I think by York University, but he was an employee of the
CTFA.

Q. Now, with respect to the two motions
25 passed by the Ontario Track and Field Association dealing

with the Charlie Francis and status of Ontario Records, was there any particular magic involved as to the timing of those motions?

5 A. No, not in particular. I suppose it was the Board meeting and the -- a reaction of the membership as well as Board members to events and occurrences that had occurred certainly as part of the Inquiry that prompted their feelings at that time. But it could have been two months later, it could have been three
10 months later. But we only -- we meet infrequently and therefore it was deemed as an appropriate time as any.

Q. Just for the record, how often does the OTFA Board of Directors meet?

15 A. We meet quarterly, four times a year, one of those meetings being an annual meeting in November.

Q. All right. So, from the March meeting, the next meeting would be the one you referred to from May, is that correct?

A. Yes.

20 Q. Just to follow up then on one of the Commissioner's line of questioning when he was talking about where do we go from here in the future.

With respect to the reclassification, if I can call it that of the carding standards, you recommended
25 that perhaps it would be better to adjust the carding

standards by looking at drug-tested meets only. And while the Commissioner accurately pointed that just because an athlete doesn't test positive that doesn't mean that he is not necessarily using steroids?

5 A. That is true.

Q. But on the other hand, I believe you are aware of at least one statistical analysis that has been done where the level of performances in certain events dropped dramatically where the events themselves are being drug tested at a particular meet; is that correct?

A. Yes.

MR. BUCKSTEIN: Mr. Commissioner, just for your future information, when Mr. Cecil Smith takes the stand, he will be talking at some length about the carding system and, in fact, about this subject of reclassification of the carding standards.

THE COMMISSIONER: All right. Thank you.

MR. BUCKSTEIN: Thank you, Mr. Lund.

20 THE COMMISSIONER: Mr. Pratt, do you have any questions.

MR. PRATT: Just a few, Mr. Commissioner.

--- EXAMINATION BY MR. PRATT:

25 Q. Good afternoon, sir, my name is Alan

Pratt. I would like to return for a moment, sir, to return to Exhibit 250, which is the letter to the Commissioner, dated April the 10th, 1989, discussing the two motions of March the 31st.

5 I would like to draw your attention to the middle paragraph of page 5. In that paragraph you explained the motion with respect to Ontario Records as intended, and I quote:

10 "... to ensure that athletes competing in the sport of track and field, both today and in the future, will not have to chase records which have been tainted by the use of anabolic steroids or other banned substances or practices."

15 I take it you continue to agree with that rationale for the motion?

A. Yes.

20 Q. Now, I wonder if you can explain to the Commission why you feel that -- or first of all, do you feel that this motion combined with the preexisting bases for disqualifying athletes result in a reliable set of records?

25 A. I suppose I can only offer an opinion there, but I think there are probably many records that have been set in this decade that will be looked at

somewhat suspiciously. And I suppose we can only correct those errors of which we are aware of.

And it is strange, I am not so sure that athletes wouldn't -- if, in fact, it became the norm, that is that records under the influence of banned substances were going to be stricken, I am not so sure that athletes themselves might even demonstrate sort of some feeling for the sport by saying they want to correct them and they may very well come forward.

But you are you absolutely right. It is almost impossible to ensure that you have a tainted-free set of records during this decade. But what we can do is deal with those things that we do have evidence on and are aware of.

Q. It is quite obvious, sir, from your evidence that the admissions that you were responding to were extracted as the result of the power of subpoena and the powers conferred upon this Commission of Inquiry; is that not right?

A. That's true.

Q. You are suggesting that athletes may want to volunteer, in the future they may want to the volunteer the extent of their anabolic steroid use and willingly give up their records that they may have?

A. Well, I guess I am suggesting --

THE COMMISSIONER: I must confess I read it a different way. What you told the athletes, right in the middle our Inquiry, is that if they make admission they are going to be disciplined.

5 And it seems to me, you are encouraging them to lie. I think it is naive beyond expression that people are going to come forth and say, "Well, I don't want to keep my record that I made five or 10 years ago or five years ago because I was on steroids." I mean, you know
10 better than that, Mr. Lund.

THE WITNESS: Well, I don't expect a large number of individuals to turn up and admit to steroid use, but I think there is a certain level of respect among athletes who were competing. And having witnessed the
15 evidence that some presented it may very well be that they would like to -- they would like to write -- correct -- make the records correct and some of them might like to have a go at them with performing clean.

20 But I think the record issue is one of a principle -- dealing with a principle. If someone admits to something, that they shouldn't enjoy the benefits of the performance that they achieved while they were under the influence of a banned substance or in fact --

THE COMMISSIONER: Well, I suspect the only
25 admissions you have ever actually observed were those that

were said before this Inquiry under oath.

THE WITNESS: Yes. And there were no rules in the sport to cover that. I would guess again that the international governing body are now facing that problem. I mean it is an issue that is being debated so that they have also recognized suddenly there is no rule to cover that. They are now dealing with that issue.

MR. PRATT:

Q. Sir, if I might suggest, it is certainly possible, is it not, that there are many athletes who have not been subpoenaed to appear here who may have used banned substances and practices and who may not therefore have been compelled to confess to that usage and may well have Ontario Records which will stand under your motion; is that not so?

A. Yes, it is very possible.

Q. If this approach is taken in other parts of the world where there isn't a forum of this nature with the power to compel people to come and testify under oath, that this approach is simply not going to work at all?

A. But it is an approach. It is coming to grips with the issue that you have been faced with. I am suggesting the other alternative is not coming to grips

with it, it is ignoring it.

And I guess what I am suggesting -- I guess part of the purpose of our motion was to bring this to light so that it could be discussed by our parent body, the CTFA. And as a result, given the fact that events in sport move very quickly, I think it still was the best approach because it allowed us to bring that issue to the floor of the AGM where it did not get support across the country, but at least the issue was brought forward. And it was dealt with. And I would think in the next few months Canada will as a country adopt a position in terms of track and field on that very issue.

Q. Would you, sir, personally favour expanding the grounds for disqualifying athletes or nullifying records if it becomes -- if evidence of a reliable nature becomes available that anabolic steroids and other banned substances are much more widely used than have been reliably known up until now?

A. I am sorry, rephrase the question, I am not sure what you are --

Q. Well, if data is made public which reveals the use anabolic steroids in Ontario or elsewhere has been widely used, and this is reliable data, would you favour expanding the motion so as to be able to capture people who are not admitted users, but who are strongly

suspected or proven users?

A. I guess if I believe in the principle of the motion, I would have to say yes. If there was some way of proving that they were on them, then I think the principle of the motion would have to remain.

Q. What kind of proof would you consider adequate?

A. I suppose admission under oath or some form of recognized test system that would indicate that.

I mean I would have to evaluate the test system and determine on what basis it was being done. So, I mean it is a hypothetical question, but certainly in terms of principle, if it was proven that they had used anabolic steroids, I think the motion intent would be present.

Q. Even if a great many records were wiped out and record performances were wiped out as a result?

A. Sure.

MR. PRATT: Thank you.

THE WITNESS: I might just add, if I could before you do leave, that I was at a meeting recently in Puerto Rico where this very issue was being discussed. And it is an issue that there is considerable debate on.

THE COMMISSIONER: Well, the IAAF has also

passed a resolution on their -- or proposal.

THE WITNESS: Yes. The issue is, you know, retroactivity or future. You know, does the -- will the rules apply to the future, will it be retroactively enforced. I suspect that the entire world will deal with that sometime in September.

So, you know, our motion in principle obviously wasn't inappropriate in terms of the sport.

THE COMMISSIONER: Well, I am going to ask you further questions about that later.

MR. PRATT: Thank you, sir.

THE COMMISSIONER: Mr. DePencier.

MR. DePENCIER: Thank you, sir.

--- EXAMINATION BY MR. DePENCIER:

Q. Mr. Lund, my name is Joseph DePencier, and I am here representing the Federal Government and Sport Canada. I would just like to briefly ask you questions in three areas.

First of all going back to that 1984 investigation that you participated in, I wanted to ask you a couple of questions so we can better understand how that investigation was carried out.

First of all, I believe you described it, yours, as being an ad hoc committee that was struct --

THE COMMISSIONER: Mr. DePencier, I am
sorry, you will be a few minutes on this, will you?

MR. DePENCIER: I may, sir.

5 THE COMMISSIONER: Unfortunately, I have a
meeting downtown that I must attend to. So, we have to
adjourn at four o'clock. I have spoken to Mr. Lund
privately and he can be here Monday morning. Will that be
satisfactory? We can continue then?

MR. DePENCIER: I am in your hands, sir.

10 THE COMMISSIONER: Mr. Bourque, Monday
morning.

MR. BOURQUE: I will certainly be here
Monday.

15 THE COMMISSIONER: Okay, thank you. Would
that be convenient for you, Mr. Lund? I regret it, but I
have a commitment that I must attend to.

THE WITNESS: Thank you.

20 THE COMMISSIONER: So, we will adjourn now
until Monday morning at 10 o'clock. Thank you, very much.

--- Whereupon the proceedings adjourned until Monday,
August 21, 1989 at 10:00 a.m.

